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Chairman: Butagira ..... (Uganda)
later: Ms. Tomič (Vice-Chairman) ..... (Slovenia)
later: Mr. Butagira ..... (Uganda)

Contents

Agenda item 67: Promotion and protection of the rights of children (*continued*)

Agenda item 68: Indigenous issues (*continued*)

Agenda item 70: Right of peoples to self-determination (*continued*)

Agenda item 71: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

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The meeting was called to order at 10.20 a.m.

Agenda item 67: Promotion and protection of the rights of children (*continued*) (A/C.3/60/L.19)

Draft resolution A/C.3/60/L.19: The situation of and assistance to Palestinian children

1. **The Chairman** said that draft resolution A/C.3/60/L.19 contained no programme-budget implications.

2. **Ms. Rasheed** (Observer for Palestine), speaking on behalf of the sponsors, said that her delegation had decided to withdraw the draft resolution in the interest of streamlining the work of the United Nations. The decision had been prompted by the conclusion of negotiations on a draft resolution sponsored by the European Union which had incorporated much of its language and would be adopted by consensus.

3. The draft resolution had been put forward to address the plight of Palestinian children living under Israeli occupation who had been deprived of their most basic rights, including the right to life and personal security. Children had borne the brunt of Israel's escalated military attacks against densely populated areas, resulting in the killing of hundreds of Palestinian children in the wake of the second Palestinian uprising against Israel's occupation and its illegal policies and practices. The draft resolution was meant to send a strong message of solidarity to the Palestinian people and to reflect the deep concern of the international community for the well-being and safety of Palestinian children.

Agenda item 68: Indigenous issues (*continued*) (A/C.3/60/L.23/Rev.1)

Draft resolution A/C.3/60/L.23/Rev.1: Programme of Action for the Second International Decade of the World's Indigenous People

4. **The Chairman** said that the draft resolution contained no programme-budget implications.

5. **Ms. Tincopa** (Peru) introduced the revised draft resolution on behalf of the original sponsors as well as Antigua and Barbuda, Armenia, Burkina Faso, El Salvador, Greece, Grenada, Guinea, Hungary, Iceland, Italy, Nicaragua, Norway, the Philippines, Saint Lucia, Saint Vincent and the Grenadines and South Africa. She said that, in the ninth preambular paragraph, the words "as appropriate" should be inserted after the word "continue".

6. **Ms. Nassau** (Australia) said that, while her delegation supported the Second International Decade of the World's Indigenous People and initiatives to raise the profile of indigenous people internationally, such as the Permanent Forum on Indigenous Issues, it disagreed with some elements of the Programme of Action for the Second Decade (A/60/270). Her delegation could not agree to encourage States to ratify the draft convention on the protection of the diversity of cultural contents and artistic expressions, as stated in paragraph 14 of the Programme, as it had concerns that that might allow States to implement measures which conflicted with their obligations under other international agreements, particularly on trade and intellectual property. Her delegation was also concerned by the extensive references to the undefined principle of free, prior and informed consent.

7. She noted a factual error in paragraph 58 of the Programme of Action regarding the Convention on Biological Diversity and the Cartagena Protocol on Biosafety. The reference to "protection" should be amended to read "respect, preservation and maintenance" in keeping with article 8 (j) of the Convention. Notwithstanding those points, Australia would join the consensus on the draft resolution, which reflected its commitment to advancing indigenous issues over the coming decade.

8. **Ms. Pi** (Uruguay), speaking on behalf of the Common Market of the South (MERCOSUR) and its associated States Bolivia, Chile, Colombia, Ecuador, Peru and the Bolivarian Republic of Venezuela, said that MERCOSUR fully supported the draft resolution and the five key objectives put forward in paragraph 9 of the Programme of Action, which was crucial for the promotion and protection of the rights as well as the development of such people. All actors concerned should cooperate constructively to that end and should finalize the draft declaration on the rights of indigenous peoples.

9. **Mr. Wood** (United Kingdom), speaking on behalf of the European Union, said that it supported much of the draft resolution and fully shared the concern of the sponsors that many indigenous people did not enjoy their full human rights. The situation indeed deserved continued international attention. As human rights

were universal and equal for all individuals, however, there could not be some human rights that only certain groups enjoyed. With the exception of the right to self-determination, which applied to all peoples under the International Covenants on Human Rights, the European Union did not accept the concept of collective rights in international law.

10. The rights granted to indigenous populations at the national level remained distinct from human rights, which were founded in international human-rights law and applied to every individual without distinction. As the second and third preambular paragraphs of the draft resolution sought directly to link collective rights to international human-rights law, the European Union would be forced to vote against those provisions if a vote were taken. In the absence of a vote, however, it would join the consensus on the draft as a whole as a demonstration of support for the broad thrust of its content.

11. **Ms. Zach** (United States of America), noting the importance of ensuring non-discrimination against indigenous people at the workplace, at the polls and in social settings as well as promoting their capacity to manage local affairs with a measure of autonomy, said that her Government would join consensus on the draft resolution. Governments must take steps to achieve equal opportunity in their societies. The draft declaration on the rights of indigenous peoples would provide the necessary context for the term "indigenous people". There was some confusion in the text of the draft resolution over the words "indigenous people" and "indigenous peoples". The United States called on delegations to show the necessary flexibility to reach consensus on a strong aspirational declaration on the rights of indigenous people during the current year.

12. *Draft resolution A/C.3/60/L.23/Rev.1, as orally revised, was adopted.*

13. **Mr. Chew** (Singapore) said that his delegation had voted in favour of the draft resolution in order to express its increasing concern about the way in which people belonging to particular religions had become convenient scapegoats for many of the world's injustices. The irresponsible defamation of religions created mutual suspicion and tensions and did not bode well for international peace and harmony. The tendency of the mass media to generalize, caricaturize and sensationalize for the purposes of selling stories only compounded matters. Moreover, the common practice of stereotyping people had further contributed to the wrongful entrenchment of baseless fears and to the erroneous portrayal of cultural and religious beliefs and practices. A swift reaction should be taken against any sign of ethnic, cultural or religious defamation in order to give a clear warning of its dangers and to stem the flow of harmful rhetoric that could lead to the incitement of violence.

14. Singapore was a small multiracial, multireligious State without a common cultural heritage. Nevertheless, its people had managed to live and work together harmoniously since independence because they recognized their diversity and the value of cooperation and harmony. His delegation wished to stress that the draft resolution just adopted applied equally to all religions.

Agenda item 70: Right of peoples to self-determination (*continued*) (A/C.3/60/L.59)

Draft resolution A/C.3/60/L.59: Universal realization of the right of peoples to self-determination

15. **The Chairman** said that the draft resolution contained no programme-budget implications.

16. **Mr. Hayee** (Pakistan), speaking on behalf of the sponsors, said that Armenia, Jordan, Lebanon and Thailand had joined in sponsoring the draft.

17. He said that, in the seventh preambular paragraph, the words "recalling resolution" should be inserted before "60/1"; he also made two minor corrections to that paragraph.

18. The right to self-determination enjoyed primacy in international law, was the cornerstone of the Charter and the two International Covenants, and had been reaffirmed at the High-level Plenary Meeting of the sixtieth session of the General Assembly. The adoption of the resolution by acclamation ever since its introduction epitomized the General Assembly's consistent reaffirmation of the central principle of the Charter. It also sent a powerful message regarding the international community's opposition to foreign aggression and occupation, which were contrary to international human-rights and humanitarian law.

19. The sponsors of the draft resolution had engaged in a dialogue with their partners with a genuine desire to accommodate their concerns. However, some of their proposals, while useful, might have drastically

altered the text. The current text was therefore similar to that adopted at previous sessions.

20. **The Chairman** said that Angola, China, the Congo, Guinea, Nigeria and Singapore wished to co-sponsor the draft resolution.

21. *Draft resolution A/C.3/60/L.59, as orally revised, was adopted.*

Explanations of position

22. **Mr. Wood** (United Kingdom) speaking on behalf of the European Union as well as Albania, Bulgaria, Croatia, the Republic of Moldova, Norway, Romania, Serbia and Montenegro, the former Yugoslav Republic of Macedonia, Turkey and Ukraine, said that the right of peoples to self-determination was a pillar of international law which remained relevant and deserved close attention from the international community. It was closely associated with respect for all human rights, democracy and the rule of law. Civil and political rights could contribute towards the enjoyment of economic, social and cultural rights, thus underlining that all human rights were universal, indivisible, interrelated and interdependent.

23. The countries for which he spoke would have welcomed the opportunity for a more detailed discussion on the draft text and the proposed amendments. The thrust of the draft resolution remained too narrow and should have reflected more clearly the practice of self-determination under international law. Moreover, the text contained a number of inaccuracies under international law. According to the International Covenants, the right to self-determination applied only to peoples, not nations. Furthermore, it was incorrect to suggest that self-determination was a precondition for the enjoyment of all human rights. Lastly, the right of return should have been reflected in accordance with article 13 (2) of the Universal Declaration of Human Rights.

24. Such weaknesses undermined the quality of the debate that should be taking place on the issue. The text proposed for adoption at the following session should be more effective in encouraging all States to respect their obligations in connection with the right of peoples to self-determination.

25. **Mr. Ritter** (Liechtenstein) said that his country had been a longstanding supporter of the right to self-determination, based on the understanding that the exercise of that right could not simply be equated with the right to independence. Viewed more broadly as entailing various forms of self-administration and self-governance, the right to self-determination could offer new perspectives for peaceful coexistence in the absence of independent statehood. For that reason, his country had consistently advocated a staged approach which was not restricted to the particular situation of certain peoples but rather encompassed all peoples and allowed for the discussion of different forms of self-governance and self-administration.

26. The way in which the current draft resolution had been promoted, however, did not leave any room for discussion of the merits of a broader approach which would more accurately reflect the title of the draft. While his delegation had joined the consensus, it noted with regret that the draft resolution represented a failed opportunity to address the issue of self-determination in a creative and constructive way.

27. **Ms. Melon** (Argentina) said that the text of the draft resolution just adopted should be interpreted and applied in accordance with the resolutions of the General Assembly and the Special Political and Decolonization Committee relating to the question of the Malvinas Islands. She referred in particular to General Assembly resolution 2065 (XX) et seq., which recognized the existence of a dispute between the Governments of Argentina and the United Kingdom concerning sovereignty and requested them to resume bilateral negotiations in order to find as soon as possible a peaceful, just and definitive solution, taking into account the interests of the peoples of the Islands.

28. **Ms. García-Matos** (Bolivarian Republic of Venezuela) said that her delegation could not support the draft resolution, because of its explicit reference in the seventh preambular paragraph to the World Summit outcome document (General Assembly resolution 60/1).

29. **Mr. Osmane** (Algeria) said that the right to self-determination, as an essential principle of international relations enshrined in international law, including the Charter, was a prerequisite for the enjoyment of all other human rights. It was therefore important for that right to be realized and for peoples subjected to colonial domination or foreign occupation to have the right to realize that inalienable right.

30. The United Nations owed its universality to decolonization, which had enabled the peoples of the

world, including Algerians, to free themselves from the yoke of colonialism, gain their independence, recover their dignity and find their place in the international community. However, decolonization remained incomplete: other peoples continued to demand from the international community their inalienable rights to self-determination and freedom. Algeria had made support for the right to self-determination of all peoples a cardinal principle of its foreign policy.

31. **The Chairman** suggested that the Committee should take note, in accordance with General Assembly decision 55/488, of the note by the Secretary-General on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/60/263) and the note by the Secretariat on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/60/319).

32. *It was so decided.*

33. **Mr. Wood** (United Kingdom) speaking in exercise of the right of reply to the statement made by the representative of Argentina, said that the position of his country was well known and had been recently set out in detail in a written right of reply by the Permanent Representative of the United Kingdom. The United Kingdom had no doubts about its sovereignty over the Falkland Islands and there could be no negotiations on their sovereignty unless and until such time as the islanders themselves made such a request.

Agenda item 71: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/60/L.29, L.34, L.35, L.49, L.50 and L.52/Rev.1)

Draft resolution A/C.3/60/L.29: Combating defamation of religions

34. **The Chairman** said that the draft resolution contained no programme-budget implications.

35. **Mr. Al-Subeihi** (Yemen), introducing draft resolution A/C.3/60/L.29 on behalf of the sponsors, said that it had been based on previous resolutions of the Commission on Human Rights, the Millennium Declaration and the Durban Declaration and Programme of Action. He also drew attention to the Global Agenda for Dialogue among Civilizations (General Assembly resolution 56/6).

36. **Mr. Elbadri** (Egypt) said that the draft resolution was not directed against any one country and did not infringe on the rights and freedoms of peoples in any way. Its sole purpose was to emphasize the importance of respect for the religions and beliefs of others, which were an integral part of the vision and way of life of many peoples.

37. **Mr. Woodroffe** (United Kingdom), speaking on behalf of the European Union, said that religious intolerance was a matter of grave concern to European Union member States. The European Union had expressed its concern in the Commission on Human Rights regarding the approach, conceptual framework and terminology used in the texts of similar resolutions to combat religious discrimination and called for broader and more balanced texts. Discrimination based on religion or belief was a serious violation of human rights which was not limited to any one religion or part of the world. Freedom of thought, conscience, expression and religion must be respected at equal levels, and promoting respect for all religions and beliefs must be done in a comprehensive manner. As the general thrust of the draft resolution had remained unchanged, the European Union called for a vote and intended to vote against it.

Statements in explanation of vote before the voting

38. **Mr. Malhotra** (India) said that his delegation firmly opposed the defamation and negative stereotyping of any religion, including Islam, as well as attempts to link particular religions with terrorism. At the same time, there were instances of self-serving distortions of religions to justify the cult of violence and terrorism. Concerning the draft resolution, the twelfth preambular paragraph contained a reference to "non-Muslim countries" which was unclear. He recalled that there were countries with large Muslim populations like India with secular polities which could hardly be qualified as non-Muslim. Defamation and negative stereotyping were not confined to any single religion or belief. As the draft resolution contained many references to one religion only and failed to give equal focus to a problem faced by people of all faiths, it fell short of its stated purpose. His delegation would therefore abstain from voting.

39. **Ms. Zach** (United States of America) said that her country had been founded on the principle of freedom of religion. Every State must protect the right of its peoples to worship freely and to choose or change religions. Her delegation agreed with many of the general tenets of the draft resolution and deplored the denigration of religions. The draft resolution was incomplete, however, as it failed to address the situation of all religions. More inclusive language would have furthered the objective of promoting religious freedom. Furthermore, any resolution on the topic must include mention of the need to change educational systems which promoted hatred of particular religions or State-sponsored media which negatively targeted any one religion or people of a certain faith.

40. *A recorded vote was taken.*

In favour:

Afghanistan, Algeria, Antigua and Barbuda, Argentina, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia, Brazil, Brunei Darussalam, Cambodia, Cameroon, Central African Republic, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Grenada, Guinea, Guyana, Haiti, Honduras, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Morocco, Myanmar, Nicaragua, Niger, Oman, Pakistan, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Singapore, South Africa, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Moldova, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Angola, Armenia, Botswana, Burkina Faso, Burundi, Cape Verde, Dominican Republic, Equatorial Guinea, Guinea-Bissau, India, Kenya, Lesotho, Madagascar, Malawi, Mozambique, Namibia, Nepal, Nigeria, Panama, Republic of Korea, Sierra Leone, Sri Lanka, United Republic of Tanzania.

41. *Draft resolution A/C.3/60/L.29 was adopted by 88 votes to 52, with 23 abstentions.*

42. **Mr. Hamson** (Canada) said his delegation was concerned that the draft resolution had focused on religions themselves rather that the protection and promotion of the rights of adherents of religions, including persons belonging to religious minorities, and that it had stressed the protection of one religion above all others. The draft resolution confused racism with religious intolerance and failed to address the relationship between diversity and the fight against racism. Many of those concepts had been addressed in other resolutions. As the present draft resolution did not adequately deal with them, his delegation had voted against it.

43. **Mr. Ballestero** (Costa Rica) said that his delegation had voted in favour of the draft resolution, as it dealt directly with an issue upon which the Organization had been founded. His delegation was concerned over the lack of consensus on the topic. He therefore appealed to the sponsors to take into account the concerns expressed over the singling out of one religion so that future such resolutions might be adopted by consensus.

44. **Ms. Serazzi** (Chile) said that her delegation believed that the fight against defamation of religions was important and had voted in favour of the draft resolution. Future resolutions on the topic, however, should address the defamation of not one religion but all faiths so that they could be adopted by consensus.

45. **Ms. Taracena Secaira** (Guatemala) said her delegation regretted that the draft resolution lacked balance and focused on one religion. It did not take into account the defamation of other religions and people who were victims of human-rights violations because they professed different faiths not officially recognized by the State. Given the importance of the issue, she hoped that future resolutions would be more inclusive and be able to be adopted by consensus.

Draft resolution A/C.3/60/L.34: Human rights and unilateral coercive measures

46. **The Chairman** said that the draft resolution contained no programme-budget implications.

47. *Ms. Tomič (Slovenia), Vice-Chairman, took the Chair.*

48. **Mr. Hamidon Ali** (Malaysia), speaking on behalf of the Movement of Non-Aligned Countries and China, which were sponsoring the draft resolution, expressed grave concern that unilateral coercive measures had brought negative consequences for developing countries and created additional obstacles to the enjoyment of human rights by the peoples of the affected States. Such measures hampered trade relations, social and economic development and the well-being of peoples.

49. The draft resolution urged States to refrain from unilateral coercive measures against other States with the aim of enforcing compliance, particularly where such measures were inconsistent with the Charter and international law.

50. *A recorded vote was taken.*

In favour:

Algeria, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

None.

51. *Draft resolution A/C.3/60/L.34 was adopted by 121 to 52.*

52. *Mr. Butagira (Uganda) resumed the Chair.*

Draft resolution A/C.3/60/L.35: Enhancement of international cooperation in the field of human rights

53. **The Chairman** said that the draft resolution contained no programme-budget implications.

54. **Mr. Hamidon Ali** (Malaysia), speaking on behalf of the Movement of Non-Aligned Countries and China,

which were sponsoring the draft resolution, said that the draft reaffirmed the importance of enhanced cooperation among Member States in the field of human rights. It also recognized that States had a collective responsibility to uphold the principles of human dignity, equality and equity at the global level.

55. *Draft resolution A/C.3/59/L.35 was adopted.*

Draft resolution A/C.3/59/L.49: Promotion of peace as a vital requirement for the full enjoyment of all human rights by all

56. **The Chairman** said that the draft resolution contained no programme-budget implications.

57. **Mr. Amorós Núñez** (Cuba), speaking on behalf of the original sponsors and also Bangladesh, Cambodia, Guinea and Turkmenistan said that paragraph 7 should be revised by deletion of the words "and encourages States to settle their disputes as early as possible".

58. Enjoyment of a climate of peace was a cornerstone for the establishment of an international order in which fundamental rights were fully exercised. The draft resolution contained elements that could help promote peace as a vital requirement for the enjoyment of all human rights; that had been questioned by some delegations, although reaffirmed by the United Nations, including in the Declaration on the Right of Peoples to Peace. One of those components was the need for State policies to be directed at eliminating the threat of war and the use of force in international relations, and the settlement of disputes by peaceful means, in accordance with the Charter; at abandoning the use of weapons that indiscriminately affected human health, the environment and economic and social well-being; and at allocating to development a part of the resources released as a result of disarmament accords.

59. **The Chairman** said that a recorded vote had been requested on the draft resolution.

Explanation of vote before the voting

60. **Ms. Hart** (Canada) said that her delegation had requested the vote because the draft resolution was based on the Declaration on the Right of Peoples to Peace (General Assembly resolution 39/11), which Canada had not supported. While she noted that changes had been made to the draft, several questions and concerns remained, in particular regarding the concept of the right of peoples to peace, including the content of that right and the specific obligations of States in respect of its implementation.

61. In addition, the draft resolution focused in international relations among States, rather than on the obligation of States to respect the human rights of their citizens. It also dealt with matters — including international peace and security and disarmament — which were more appropriately dealt with in other forums. Her delegation regretted that those concerns had not been addressed in the draft resolution, but would be happy to work with the sponsors in order to achieve a consensus text in future. For those reasons, Canada would vote against the draft resolution.

62. **Mr. Woodroffe** (United Kingdom), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Serbia and Montenegro and the former Yugoslav Republic of Macedonia; and, in addition, Iceland, Liechtenstein, the Republic of Moldova and Ukraine said the draft resolution presumed that peace was a prerequisite for the realization of human rights. It also dealt only with the relationship among States, rather than that between a State and its citizens, which was the core mandate of the Third Committee, as well as of the Commission on Human Rights. While underlining the linkage between peace and the enjoyment of human rights, the European Union believed that a number of the issues raised in the draft resolution were better dealt with in other forums. The European Union would therefore vote against the draft resolution.

63. *A recorded vote was taken.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar,

Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Argentina, Armenia, Chile, Equatorial Guinea, India, Mexico, Samoa, Singapore.

64. *Draft resolution A/C.3/60/L.49, as orally revised, was adopted by 113 votes to 51, with 8 abstentions.*

Draft resolution A/C.3/60/L.50: Respect for the principles of national sovereignty and diversity of democratic systems in electoral processes as an important element for the promotion and protection of human rights

65. **The Chairman** said that the draft resolution had no programme-budget implications.

66. **Mr. Cumberbatch Miguén** (Cuba), speaking on behalf of the sponsors, said that they had been joined by Cambodia, the Central African Republic, Mauritania, Pakistan, Rwanda, the Syrian Arab Republic, the United Republic of Tanzania and Turkmenistan. The draft resolution recognized the diversity of democratic political systems and models of electoral processes based on national and regional characteristics, and reaffirmed that democracy, sustainable development, human rights and good governance were mutually dependent. The draft resolution also reaffirmed the right of peoples to determine their electoral processes and form of democracy.

67. *At the request of the United States of America, a recorded vote was taken.*

In favour:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, China, Colombia, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Indonesia, Iran (Islamic Republic of), Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Israel, Marshall Islands, United States of America.

Abstaining:

Albania, Andorra, Argentina, Armenia, Austria, Belgium, Bosnia and Herzegovina, Botswana, Bulgaria, Canada, Chile, Costa Rica, Croatia,

Cyprus, Czech Republic, Denmark, Equatorial Guinea, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Iraq, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Netherlands, New Zealand, Nicaragua, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

68. *Draft resolution A/60/C.3/L.50 was adopted by 106 votes to 4, with 61 abstentions.*

69. **Ms. García Matos** (Bolivarian Republic of Venezuela), speaking in explanation of vote said that her delegation had co-sponsored the draft resolution. She drew attention to paragraph 5, which had been included to prevent other States from financing political parties or other organizations in order to undermine the legitimacy of Governments constitutionally elected through a transparent electoral process.

Draft resolution A/C.3/60/L.52/Rev.1: The right to food

70. **The Chairman** said that adoption of the draft resolution would not entail any additional appropriation.

71. **Mr. Cumberbatch Miguén** (Cuba), speaking on behalf of the sponsors, said that they had been joined by Afghanistan, Andorra, Armenia, Belgium, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Cambodia, Colombia, the Comoros, Egypt, Finland, France, Honduras, India, Italy, Mauritania, Mozambique, Norway, Oman, Pakistan, Qatar, the Republic of Moldova, Romania, Seychelles, Suriname, Thailand, Timor-Leste, Trinidad and Tobago, Uganda, the United Republic of Tanzania and Uruguay.

72. The aim of the revised draft resolution was to make a further contribution to the global fight against hunger. It was the outcome of intensive consultations. He announced a further revision in which the words "pervasive discrimination" in paragraph 8 should be replaced by the words "continuous discrimination" in order to enable one more delegation to join the sponsors.

73. **The Chairman** announced that a recorded vote had been requested.

74. **Ms. Zach** (United States of America), speaking in explanation of vote before the vote, said that her delegation had requested the recorded vote and could not support the draft resolution. The United States had proven by its actions its profound commitment to promoting food security around the world; over 60 per cent of international food aid came as a gift from the people of the United States. Although the Government agreed with some parts of the draft resolution, its consistent position was that the attainment of any right to adequate food and right to be free from hunger was a goal to be realized progressively and did not derive from any international obligation nor diminish the responsibility of Governments towards their own citizens.

75. Her delegation found that the draft resolution, like its predecessors, contained numerous objectionable provisions, including inaccurate textual descriptions of the underlying right. In addition, the draft resolution commended the work of the Special Rapporteur, with which her delegation disagreed in many respects. The Special Rapporteur continued to use his reports as a forum for advancing novel legal assertions on food-related issues which were founded neither on international law nor on substance.

76. She reiterated her delegation's appeal to the Special Rapporteur to use his time and energy to deal with the issue in a pragmatic and results-oriented manner. She hoped that in future years the sponsors would accommodate the United States concerns so that it could join in the adoption of a draft resolution on the important subject of the right to food.

77. *A recorded vote was taken.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea,

Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

Israel.

78. *Draft resolution A/C.3/60/L.52/Rev.1 was adopted by 171 votes to 1, with 1 abstention.*

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/60/L.46)

Draft resolution A/C.3/60/L.46: Situation of human rights in Turkmenistan

79. **Mr. Marsh** (United States of America), speaking on behalf of the sponsors, said that they had been joined by Albania, Australia, Bulgaria, Japan, Liechtenstein, Palau, Republic of Moldova, and Switzerland. Following consultations with the delegation of Turkmenistan, he wished to introduce a number of revisions.

80. In the fifth preamabular paragraph, the words "of September 2005" should be inserted after "*Welcoming* the report" and, after "human rights issues", the phrase "and has shown readiness to cooperate with the international community" should be inserted. In paragraph 1 (a), "their full realization" should be corrected to read "the full realization". In paragraph 1 (i), after "permanent resident status", the words "more than 16,000 refugees, including" should be added. Paragraph 2 (d) should be replaced by: "The Government of Turkmenistan's failure to grant access to detainees to the International Committee of the Red Cross, according to the usual terms of the Committee, as well as to international monitors". Paragraphs 2 (m) and 2 (n) were to be deleted. Paragraph 3 (d) should be replaced by: "To follow through on the presentation of the Government of Turkmenistan to the United Nations Commission on Human Rights in April 2004 and the meetings between the Government of Turkmenistan and the International Committee of the Red Cross in 2005 by finalizing an agreement allowing the Committee to visit Turkmen prisons with full and repeated access to all places of detention in accordance with the usual modalities for that organization, and by providing international monitors, lawyers and relatives with full and repeated access to all those in detention, including those convicted of involvement in the coup attempt of 25 November 2002".

81. He welcomed the steps taken by the Government of Turkmenistan to address issues of concern to the international community but noted that serious problems remained. The Government did not allow dissent, silenced those who opposed its leadership, and regulated religious practices. While it continued to engage in constructive dialogue with the international community, it had failed to take action. As the people

of Turkmenistan could not speak out against the repressive practices that silenced them, the international community must make it clear to them that it understood their situation and was using the mechanisms available to expose and improve it.

82. **The Chairman** said that Iceland had joined the sponsors.

83. **Mr. Ali** (Malaysia) reiterated the conviction of the Movement of Non-Aligned Countries that human-rights issues should be addressed through a constructive, dialogue-based approach showing respect for national sovereignty, and should not be exploited for political ends. He therefore opposed country-specific resolutions and called on those States that engaged in the practice of "naming and shaming" to desist. Selective targeting was unhelpful and led only to confrontation.

84. **Mr. Arziev** (Uzbekistan) said that his country likewise opposed country-specific resolutions and favoured dialogue and transparency. He referred to the final communiqué of the 2005 Meeting of Ministers for Foreign Affairs of the Organization of the Islamic Conference, in which they had expressed their opposition to such resolutions as contributing to the politicization of human rights.

85. **Mr. Swe** (Myanmar) said that his country, as a matter of principle, opposed the selective targeting of developing countries for political reasons on the pretext of human rights. He stressed the position of the Movement of Non-Aligned Countries that human rights should not be used as a means of political pressure against developing countries. His delegation would therefore express its solidarity with Turkmenistan by rejecting the draft resolution.

86. **Mr. Cumberbatch Miguén** (Cuba) said that such resolutions did nothing to advance the human rights agenda. They were an act of cynicism on the part of a country that used chemical weapons against civilians and tortured prisoners in obscure jails, refusing to let international inspectors have access to them and offending Muslims all over the world. Such double standards had led to the collapse of the Commission on Human Rights and would, if they continued to be practised in the new Human Rights Council, undermine it from the outset. His delegation would therefore vote against the draft resolution.

87. **Ms. Ataeva** (Turkmenistan) said that, over the past year, her Government had taken steps to promote human rights, and had invited the United Nations High Commissioner for Human Rights to visit Turkmenistan. It was finalizing an agreement on cooperation with the International Committee of the Red Cross. It was enhancing democratic processes, and allowed all religious organizations to register. It had recently decided to grant citizenship, residence permits, housing assistance and social-welfare services to 16,000 refugees. Those developments were not adequately reflected in the draft resolution which contained unsubstantiated and subjective views. It was not a constructive response to Turkmenistan's willingness to cooperate; rather, it was a means of pressure.

88. She therefore moved the adjournment of the debate on the draft resolution, in accordance with rule 116 of the rules of procedure. Such a rejection of selectivity, double standards and the politicization of human rights would be a step towards reforming the United Nations human-rights machinery. She stressed that the position expressed by countries in the vote would also reflect their position with regard to the new Human Rights Council. The question was whether it would be a truly representative and democratic body or simply a tool of the developed countries.

89. **The Chairman** invited two representatives to speak in favour of, and two against, the motion before putting it to the vote, in accordance with rule 116.

90. **Mr. Xie** Bohua (China) supported the motion. His country had consistently held that differences between countries on human rights should be resolved through dialogue. The use of country-specific resolutions to name and shame only led to confrontation. The Third Committee should reject such practices.

91. **Ms. Núñez de Odremán** (Bolivarian Republic of Venezuela) also disagreed with the practice of targeting particular States, which ran counter to the principles of respect for the sovereignty of States and non-interference in their domestic affairs. The way forward lay in dialogue and cooperation. She would therefore vote in favour of the motion.

92. **Mr. Marsh** (United States of America) urged Member States to consider the draft resolution on its merits and to vote against the motion. It was aimed at blocking the free expression of ideas and was therefore contrary to article 19 of the Universal Declaration of Human Rights. The possibility of open debate was a

fundamental principle of democracy. Countries that complained of country-specific resolutions also criticized particular countries in other Third Committee resolutions. The United Nations was designed to serve as a forum for considering human-rights abuses, extending beyond the possibilities offered by bilateral relations. The motion to silence discussion should not be allowed.

93. **Mr. Lonsdale** (United Kingdom), speaking on behalf of the European Union, said that, as a matter of principle, the European Union voted against any motion to adjourn the debate on an item under discussion. Any such motion ran counter to the spirit of dialogue and would prevent the Third Committee from giving serious consideration to the issues addressed. It could not be allowed to ignore those issues; in the case of Turkmenistan, they required real action if that country was to meet its international obligations.

94. As for the charge of double standards levelled at those who believed it right to discuss serious and systematic human-rights violations by particular countries, the European Union could not agree to an exclusive focus on standard-setting and cooperation, as important as they were. Standards had to be implemented, and when they were not, action should be taken. He urged delegations to vote against the motion, regardless of their voting intentions on the draft resolution.

95. *A recorded vote was taken on the proposal to adjourn the debate on draft resolution A/C.3/60/L.46.*

In favour:

Afghanistan, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Cameroon, China, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Fiji, Gambia, Guinea, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Maldives, Morocco, Myanmar, Namibia, Nepal, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Sierra Leone, Singapore, South Africa, Sudan, Syrian Arab Republic, Tajikistan, Thailand, Togo, Turkmenistan, Uganda, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Algeria, Brazil, Burundi, Cape Verde, Colombia, Democratic Republic of the Congo, Djibouti, Equatorial Guinea, Ethiopia, Ghana, Guyana, Iraq, Kenya, Mali, Mauritius, Niger, Nigeria, Rwanda, Senegal, Sri Lanka, Suriname, Swaziland, Trinidad and Tobago, Tunisia, United Republic of Tanzania, Uruguay.

96. *The proposal to adjourn the debate on draft resolution A/C.3/60/L.46 was rejected by 70 votes to 64, with 26 abstentions.*

Statements of explanation of vote before the voting

97. **Mr. Taranda** (Belarus) said that Belarus was consistently opposed to country-specific resolutions out of respect for the sovereignty of States. It believed in a non-confrontational approach and considered such resolutions to be counter-productive.

98. **Mr. Pak** Tok Hun (Democratic People's Republic of Korea) expressed concern about the continual submission of such draft resolutions. Turkmenistan had shown a willingness to cooperate; confrontation was being sought for political reasons. His delegation would vote against the draft resolution.

99. **Mr. Saeed** (Sudan) rejected selective, partial approaches that targeted developing countries. No attention was paid to the human-rights situation of developed countries, which claimed to be protectors of human rights. No good would come of using human rights as a "sword of Damocles" over the heads of developing countries. Such resolutions undermined the ongoing reform. He hoped that the new Human Rights Council would favour dialogue over selectivity and double standards. His country would vote against the draft resolution.

100. **Mr. Arziev** (Uzbekistan) said that he would likewise vote against the draft resolution. It was not possible to trust the sponsors' knowledge of the human-rights situation in a country when they made mistakes in its place names. The draft resolution would tie the hands of Turkmenistan just as it was seeking cooperation; it would divide the international community.

101. *A recorded vote was taken on draft resolution A/C.3/60/L.46.*

In favour:

Albania, Andorra, Argentina, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Namibia, Netherlands, New Zealand, Nicaragua, Norway, Palau, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against:

Afghanistan, Azerbaijan, Bahrain, Bangladesh, Belarus, Botswana, Brunei Darussalam, China, Cuba, Democratic People's Republic of Korea, Egypt, Gambia, Indonesia, Iran (Islamic Republic of), Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Morocco, Myanmar, Oman, Pakistan, Qatar, Saudi Arabia, Sudan, Syrian Arab Republic, Tajikistan, Turkmenistan, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Armenia, Bahamas, Barbados, Belize, Bhutan, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Colombia, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Ghana, Guinea, Guinea-Bissau, Guyana, India, Iraq, Jamaica, Kenya, Lao People's Democratic Republic, Lesotho, Mali, Mauritius, Mozambique, Nauru, Nepal, Niger, Nigeria, Panama, Philippines, Russian Federation, Rwanda, Saint Lucia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Suriname, Swaziland, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Uganda, United Republic of Tanzania, Zambia.

102. *Draft resolution A/C.3/60/L.46, as orally revised, was adopted by 70 votes to 38, with 58 abstentions.*•

103. **Mr. Chew** (Singapore), speaking in explanation of vote, said that country-specific resolutions were driven by political rather than human-rights considerations and for that reason Singapore consistently abstained from voting on them, as it had on the draft resolution just adopted. He nevertheless questioned the concerns reflected in paragraphs 1 (b) and 3 (a). Singapore did not consider conscientious objection to military service to be a right; national defence was a sovereign right under international law, and the right of the State to national security must prevail.

The meeting rose at 1.05 p.m.

• The delegation of Namibia subsequently informed the Committee that it had intended to abstain.

United Nations A/C.3/60/SR.46

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Third Committee

Summary record of the 46th meeting
Held at Headquarters, New York, on Tuesday, 22 November 2005, at 10 a.m.

Chairman: Ms. Carvalho (Vice-Chairman) ..... (Portugal)
later: Mr. Butagira (Chairman) ..... (Uganda)

Contents

Agenda item 71: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

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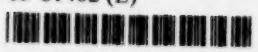

In the absence of Mr. Butagira (Uganda), Ms. Carvalho (Portugal), Vice-Chairman, took the Chair.

The meeting was called to order at 10.20 a.m.

Agenda item 71: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/60/L.32, L.37/Rev.1, L.56/Rev.2 and L.71)

Draft resolution A/C.3/60/L.32: Establishment of a United Nations human rights training and documentation centre for South-West Asia and the Arab region

1. **Mr. Khane** (Secretary of the Committee) said it was the understanding of the Secretariat that voluntary contributions would be sought to cover the resource requirements for the establishment of the Centre. Therefore, if the General Assembly adopted the draft resolution, no additional appropriation would be required.

2. He also announced that the Marshall Islands had been erroneously listed as a sponsor of the draft resolution.

3. **Mr. Al-Thani** (Qatar), speaking on behalf of the sponsors, said that Armenia, Belgium, France, Germany, Italy, Malta, Poland, Portugal, Spain, Sweden, the United Kingdom and the United States of America had joined the sponsors.

4. The text of the draft resolution had been revised with the insertion of the phrase "the endorsement of the Vienna Declaration and Programme of Action of 1993 of" after the word "Reaffirming" in the sixth preambular paragraph; the deletion of the word "standards" from the seventh preambular paragraph; and the insertion of "human rights" after "international" in paragraph 2.

5. **The Chairman** said that the following countries wished to sponsor the draft resolution: Albania, Australia, Austria, Brazil, Burkina Faso, the Central African Republic, the Comoros, Croatia, Cyprus, the Czech Republic, the Democratic Republic of the Congo, Denmark, the Dominican Republic, Egypt, Estonia, Finland, Greece, Hungary, India, Indonesia, Ireland, Israel, Latvia, Lithuania, Luxembourg, Malaysia, the Netherlands, Panama, Paraguay, Peru, the Republic of Moldova, Romania, Sierra Leone, Slovakia, Slovenia, Sri Lanka, the former Yugoslav Republic of Macedonia, Timor-Leste and Ukraine.

6. *Draft resolution A/C.3/60/L.32, as orally revised, was adopted.*

7. **Mr. Alaei** (Islamic Republic of Iran) said that while his delegation had been willing to join the consensus on the draft resolution, it wished to dissociate itself from the twelfth preambular paragraph.

Draft resolution A/C.3/60/L.37/Rev.1: Protection of human rights and fundamental freedoms while countering terrorism

8. **The Chairman** said that the draft resolution contained no programme-budget implications.

9. **Mr. Alday González** (Mexico), speaking on behalf of the sponsors, said that they had been joined by Armenia, Egypt, Italy, Japan, Monaco, Paraguay, Peru, Romania, Serbia and Montenegro, Switzerland, the United States of America and Uruguay.

10. Paragraph 11 of the draft resolution had been revised to read: *Stresses* that, while developing, as agreed at the World Summit, a strategy to promote comprehensive, coordinated and consistent counter-terrorism, full consideration should be given throughout the process to the protection of human rights and fundamental freedoms and to the provisions of humanitarian law and international refugee law."

11. In paragraph 15, the word "*Welcomes*" should be replaced by "*Takes note with interest* of"; and in paragraph 16, the phrase "*Also welcomes*" should be replaced by "*Takes note with appreciation* of", together with the deletion of the phrase "takes note of" in that paragraph.

12. **The Chairman** said that Angola, Bolivia, El Salvador, Iceland and New Zealand had also joined the sponsors.

13. **Mr. Cumberbatch Miguén** (Cuba), speaking in explanation of his delegation's position, expressed reservations about the revisions read out by the representative of Mexico, which showed that the United Nations was far from having a finalized counter-terrorism strategy. The only elements in the strategy currently available had been identified by the Secretary-General at the start of the year, a fact which should have been clearly reflected in the text of the

draft resolution. The revised text should in no way prejudice the results of the negotiations under way in the Sixth Committee or affect the delicate balance achieved on the issue of terrorism at the 2005 World Summit. Given the many factors involved in the fight against terrorism, Cuba would oppose any attempts to impose a selective and unilateral vision contrary to international law and the Charter of the United Nations.

14. *Draft resolution A/C.3/60/L.37/Rev.1 was adopted.*

15. **Ms. García-Matos** (Bolivarian Republic of Venezuela) said that, while her delegation had been able to support the consensus, it had not sponsored the draft resolution, because it rejected the 2005 World Summit outcome document. It therefore had reservations about paragraph 11 of the draft resolution, whose reference to the agreement entered into at the 2005 World Summit could promote recognition of the outcome document. Her delegation also rejected the revisions announced by the representative of Mexico and said that the issue of terrorism should continue to be addressed by the Sixth Committee.

Draft resolution A/C.3/60/L.56/Rev.2: Protection of and assistance to internally displaced persons

16. **Mr. Khane** (Secretary of the Committee) drew attention to the amendment in document A/C.3/60/L.71 and said that draft resolution A/C.3/60/L.56/Rev.2 would not entail any additional appropriation.

17. **Ms. Merchant** (Norway) said that, speaking on behalf of the sponsors, in the third preambular paragraph of the draft resolution, after the words "internally displaced persons", the phrase "including in long term displacement situations", should be inserted. In addition, in the fifth preambular paragraph, after "durable solutions", the phrase "inter alia, for long term displacement situations" should be deleted. She announced that Bulgaria and Peru had joined the sponsors.

18. **The Chairman** said that Brazil, the Congo, the Democratic Republic of the Congo, Timor-Leste and Togo had also joined the sponsors of the draft resolution, as orally revised.

19. **Ms. Adjalova** (Azerbaijan) announced that the amendment in document A/C.3/60/L.71 had been withdrawn.

20. **Mr. Marsh** (United States of America) welcomed the draft resolution and joined others in deploring practices of forced displacement in violation of international law. However, his delegation had technical concerns about the language used in the tenth preambular paragraph, which contained an incomplete description of conduct in relation to the deportation, displacement and transfer of persons under the Rome Statute of the International Criminal Court. For example, the paragraph in question failed to specify that the deportation or forcible transfer of a population was a crime against humanity when taken without grounds permitted in international law. The paragraph also omitted to mention that the displacement of the civilian population was not a war crime when required for the security of the civilians involved or for imperative military reasons. Both those qualifications were included in the Rome Statute and in international humanitarian law.

21. The tenth preambular paragraph could not change — or be viewed as changing — the elements necessary for conduct to constitute a crime under the Rome Statute or a violation of applicable legal standards. Subject to that understanding, his delegation was pleased to join the consensus on the draft resolution.

22. *Draft resolution A/C.3/60/L.56/Rev.2, as orally revised, was adopted.*

23. **Mr. Malhotra** (India) said that the issue of internally displaced persons belonged firmly to the humanitarian arm of the United Nations system and he welcomed the fact that the Committee had confined its consideration of that issue to the human-rights situation of such persons.

24. His delegation had reluctantly accepted the reference in paragraph 17 to the relevance of the global database on internally displaced persons. However, unless immediate steps were taken to update the information contained in there, his delegation might not be able to accept such references in future.

25. **Ms. Halabi** (Syrian Arab Republic) said that, while her delegation had joined the consensus in order to draw attention to the situation of internally displaced persons, it also wished to express its reservations concerning the references to the Guiding Principles on Internal Displacement in the sixth and eleventh preambular paragraphs and in paragraphs 8 and 9 of the draft resolution.

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/60/L.51)

Draft resolution A/C.3/60/L.51: Situation of human rights in Uzbekistan

26. **The Chairman** said that draft resolution A/C.3/60/L.51 contained no programme-budget implications. He drew attention to a number of revisions made to the text at the 37th meeting.

27. **Mr. Jones Parry** (United Kingdom), speaking on behalf of the members of the European Union and the other sponsors listed, as well as Australia, Andorra, Bulgaria, Iceland, Liechtenstein, Norway, Palau, Serbia and Montenegro and Switzerland, said that, in paragraph 5, the word "sixty-second" should be replaced by "sixty-first".

28. While the European Union welcomed the steps taken by the Government of Uzbekistan, it remained gravely concerned by the events that had occurred in Andijan in May 2005. The draft resolution therefore called on the Government to allow an independent, external inquiry into those events and to accede to the 1951 Convention relating to the Status of Refugees. The sponsors urged the Government to cooperate with the Office of the United Nations High Commissioner for Refugees, the Office of the High Commissioner for Human Rights, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Organization for Security and Cooperation in Europe and the International Committee of the Red Cross. His delegation had invited the Uzbek delegation to engage with it in discussions of the draft resolution and stood ready to work with Uzbekistan to promote full respect for human rights.

29. The scale of the deaths in Andijan and the subsequent deterioration in the human-rights situation in Uzbekistan as well as the continued refusal by the Uzbek authorities to cooperate with and address the concerns of the international community, including the United Nations, required the General Assembly to address the issue.

30. **Mr. Hamidon** (Malaysia) said that his delegation continued to oppose country-specific resolutions and reiterated its support for the declaration adopted by the Ministers for Foreign Affairs of the Movement of Non-Aligned Countries, meeting in Doha, Qatar, in June 2005, in which they had stated that human-rights issues must be addressed through a constructive, dialogue-based approach with respect for national sovereignty, non-interference in internal affairs, impartiality, non-selectivity and transparency (A/59/880, para. 27). His delegation called on the sponsors of such draft resolutions to cease the practice of "naming and shaming", which was counterproductive and contributed to polarization among Member States.

31. **Mr. Cumberbatch Miguén** (Cuba) said that the proposed draft resolution had nothing to do with the promotion and protection of human rights at the international level. The sponsors of such draft resolutions against developing countries were motivated by geopolitical concerns and never submitted similar draft resolutions to address their own human-rights violations. Their use of inquisitorial methods, double standards and politicization of human rights had undermined the work of the Commission on Human Rights and would doom the Human Rights Council to failure. His delegation would oppose the draft resolution and any other efforts to manipulate the United Nations human-rights machinery.

32. **Ms. Ataeva** (Turkmenistan) said that, as a member of the Non-Aligned Movement (NAM) and the Organization of the Islamic Conference (OIC), her Government opposed the practice of targeting Member States through country-specific resolutions, which had led to the politicization of the United Nations human-rights machinery and had made the Commission on Human Rights ineffective. The promotion and protection of human rights required dialogue and cooperation. Her delegation was concerned that members of NAM and OIC were increasingly the targets of such resolutions, which hindered cooperation and led to confrontation among Member States. She called on delegations to end the practice of naming and shaming developing countries.

33. **Ms. García-Matos** (Bolivarian Republic of Venezuela) reiterated her delegation's opposition to the selective condemnation of individual developing countries for human-rights violations and deplored the fact that country-specific draft resolutions continued to be submitted for consideration by the Committee, which diverted its attention from efforts to enhance cooperation in human rights. Moreover, Uzbekistan had demonstrated its desire to cooperate in that field, as was indicated in paragraph 1 of the draft resolution. Her delegation was particularly concerned that such

politicized draft resolutions continued to be put forward at a time when Member States were seeking to reform the Organization and establish a new human-rights body. Therefore, her delegation would vote against the draft resolution.

34. **Mr. Swe** (Myanmar), supporting the declaration adopted by the Ministers for Foreign Affairs of the Non-Aligned Movement (A/59/880, annex), said that human rights should not be used as instruments of political pressure, especially against the non-aligned countries and other developing countries, as stated by the Heads of State or Government of the non-aligned countries in October 1995. His delegation would therefore vote against the draft resolution and, as a matter of principle, would stand in solidarity with Uzbekistan.

35. **Mr. Vohidov** (Uzbekistan) said that the stage had already been set and the roles assigned for those who would do the "beating" and those who would be "beaten". He asked whether any country was in a position to judge others. He called on the sponsors to examine themselves and their own records. Similar resolutions had never garnered more than one third of the vote. In various regional and international forums, countries had opposed resolutions targeting individual States. However, they tended to change their positions in the General Assembly owing to political pressure. No one had the right to thwart the decisions of entire organizations or groups of countries on the basis of unilateral interests. The naming and shaming of individual countries in such resolutions concerned the entire international community. All Member States were thereby shamed, as any one of them could be targeted at any moment for political reasons. As a matter of principle, such country-specific resolutions should not be considered. Rather, countries should be given the opportunity to work with specialized agencies without being subjected to the politicization that had prevailed within the Committee.

36. Although the draft resolution was very weak and groundless, it was also harmful as it distorted the facts and hindered his Government's ability to defend constitutional order. The language used made it appear that his Government had acted against peaceful demonstrators. The draft resolution made no mention of the criminal groups involved which were carrying out terrorist acts. Hundreds of armed persons had occupied military and civilian facilities, taken hostages and killed scores of people.

37. As the draft resolution was unjust and based on untrue information, and undermined the credibility of the Committee's work, he called for adjournment of debate under rule 116 of the rules of procedure. His delegation also called on others, especially delegations which had previously abstained from voting on similar draft resolutions, to support Uzbekistan.

38. *Mr. Butagira (Uganda) took the Chair.*

39. **The Chairman** invited two representatives to speak in favour of, and two against, the motion, before putting it to the vote in accordance with rule 116.

40. **Mr. Dapkiunas** (Belarus) said that delegations which viewed no-action motions as a tool for silencing open discussion on human rights were mistaken. Such motions were a measure of last resort for countries which could not make themselves heard and preferred to engage in debate along the principles of fair treatment and respectful dialogue. Country resolutions on human rights did indeed work — they served to promote the domestic agendas of Governments initiating such resolutions and to estrange Member States which fell prey to the deplorable practice of naming and shaming.

41. The arrogant tactics of exerting undue pressure on sovereign Governments thwarted any engagement with them from the outset. Country-specific resolutions created a dangerous illusion of addressing human rights simply and easily. Governments had the right to criticize others for human-rights abuses. It was quite a different matter, however, when such criticism came in the guise of a rubber-stamp decision of a respectable multilateral body. Given that some members were eager to draw and perpetuate the lines of division from a past era within the General Assembly, the chances of creating a fair and strong Human Rights Council for new times were slim.

42. The promotion of human rights was always the result of painstaking work and advocacy, with the involvement of the Government concerned and with due respect for its sovereign authority. Country-specific resolutions undermined the promotion of human rights. He therefore called on delegations to vote in favour of the motion.

43. **Mr. Xie** Bohua (China) said that his delegation supported the no-action motion. No human-rights situation was perfect. The international community must address the issue of the promotion and protection

of human rights through constructive dialogue and cooperation. It was regrettable that some Governments appointed themselves human-rights arbiters and used country-specific resolutions to name and shame developing countries. The sponsors of such resolutions, however, maintained silence about gross human-rights violations in their own countries. Such double standards and selectivity would only increase confrontation in the area of human rights.

44. **Ms. Hart** (Canada) expressed opposition to procedural motions used to stifle debate on serious human-rights concerns. Addressing such issues was one of the Committee's main tasks. In addition to focusing on human-rights norms, the Committee should ensure that obligations were met and send a signal to the international community that it would consider the substance of human-rights issues put before it.

45. **Mr. Jones Parry** (United Kingdom), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia and Turkey; the stabilization and association process countries Albania, Serbia and Montenegro and the former Yugoslav Republic of Macedonia; and, in addition, Iceland and the Republic of Moldova, said that the motion was a procedural device that undermined transparency and freedom of expression and should be rejected as a matter of principle. In view of the universality and interdependence of human rights, no State, large or small, was above being judged by international human-rights forums, and in particular the General Assembly. The claim about double standards could mean that the international community should never address even the gravest human-rights abuses.

46. The human-rights situation in Uzbekistan must be dealt with within the current year. The draft resolution recognized the minimum positive steps that the Government of Uzbekistan had taken in the past year, but since April 2005 serious human-rights violations had occurred in Andijan, freedom of expression had been restricted and independent civil society, including human-rights defenders, had been harassed. The Government had failed to take the necessary steps to improve the human-rights situation, turned down offers of assistance and refused to cooperate with the United Nations High Commissioner for Human Rights, various United Nations bodies and other international organizations. The Committee should address substance, urge the Government of Uzbekistan to implement its international commitments and make clear to Uzbek civil society that the international community was aware of its plight.

47. *A recorded vote was taken on the motion for adjournment of debate.*

In favour:

Afghanistan, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, China, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Egypt, El Salvador, Eritrea, Fiji, Gambia, Guinea, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Morocco, Myanmar, Namibia, Nepal, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Sierra Leone, Singapore, South Africa, Sudan, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Turkmenistan, Uganda, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Vanuatu.

Abstaining:

Algeria, Brazil, Burundi, Cameroon, Cape Verde, Central African Republic, Colombia, Democratic Republic of the Congo, Djibouti, Ethiopia, Ghana, Guyana, Haiti, Iraq, Kenya, Mali, Mauritius, Nauru, Niger, Nigeria, Rwanda, Senegal, Sri Lanka, Suriname, Trinidad and Tobago, Tunisia, United Republic of Tanzania, Uruguay.

48. *The motion was rejected by 75 votes to 65, with 28 abstentions.*

49. **The Chairman** stated that a recorded vote would be taken on draft resolution A/C.3/60/L.51, as orally revised.

Statements in explanation of vote before the voting

50. **Mr. Taranda** (Belarus), said that Belarus was against resolutions on human rights in specific countries or groups of countries because such texts politicized United Nations human-rights mechanisms and distracted the Committee. A selective approach and double standards had become a norm for the Commission on Human Rights, which every year adopted the same resolutions on a number of countries where the human-rights situation was no worse than elsewhere, while some members of the Commission failed to react appropriately on behalf of the international community to massive human-rights violations in other countries.

51. In various parts of the world, including countries where democracy was highly developed, human rights faced challenges related inter alia to increased racial intolerance and xenophobia, the activity of extremist groups, trafficking in human beings, the situation of refugees and immigrants and the activity of terrorist organizations. Criticism of individual countries could neither hide nor resolve those problems. Consideration of human-rights issues should be based on mutual respect, dialogue and cooperation.

52. The approach taken by the sponsors was not conducive to establishing human-rights mechanisms supported by the Member States. In solidarity with Uzbekistan, Belarus called upon the initiators of country-specific resolutions to review their approach.

53. **Mr. Degia** (Barbados) said that human-rights issues must be approached on the basis of dialogue and cooperation. No country had an unblemished record and therefore no particular State should be targeted. Although opposed to country-specific resolutions, Barbados was gravely concerned about the pattern of human-rights abuses in many parts of the world. All States should cooperate to address those issues through dialogue.

54. **Mr. Pak Tek Hun** (Democratic People's Republic of Korea) said that geopolitical and other national interests of certain countries and groups of countries should not be disguised as concern for human rights. Uzbekistan was entitled to safeguard its national sovereignty, constitutional order and territorial integrity. Accordingly, the Democratic People's Republic of Korea would vote against the draft resolution.

55. **Mr. Saeed** (Sudan) rejected attempts to politicize human rights in order to settle old scores and pursue specific political agendas. Targeting developing countries selectively stood in the way of human-rights reforms and consultations on the establishment of the Human Rights Council, which should remedy the ills that undermined the work of the Commission on Human Rights and establish respect for national sovereignty, transparency and ethics. Applying double standards was one of those ills. The Sudan would vote against the draft resolution.

56. **Mr. Nikiforov** (Russian Federation) said that the human-rights situation in Uzbekistan did not warrant the draft resolution, which was a political step and did not aim at promoting human rights in that country. Instead of focusing on country-specific situations, the Committee should consider essential human-rights issues. Accordingly, the Russian Federation would vote against the draft resolution.

57. **Ms. Ataeva** (Turkmenistan) said that the draft resolution was of a political nature. Country-specific resolutions led to confrontation. Their sponsors failed to see their own shortcomings. Turkmenistan favoured honest dialogue and cooperation based on mutual respect and would vote against the draft resolution.

58. **Mr. Vohidov** (Uzbekistan) said that the assertion that Uzbekistan showed no willingness to cooperate with the international community on human-rights issues did not correspond to reality. Uzbekistan was cooperating with the Commission on Human Rights under the 1503 procedure (see Commission resolution 2000/3) and had proposed to the main sponsors to work within the Commission on an investigation into the

events in Andijan. However, Uzbekistan's readiness to cooperate on the issue of human rights was ignored, while bilateral contacts were used to ensure the adoption of the draft resolution, whose text had not been shown to the Uzbek delegation beforehand. The sponsors simply wanted Uzbekistan to yield to bilateral pressure.

59. The draft resolution was baseless and a mere political device. Such resolutions could be introduced in relation to any country, not in order to promote human rights but with a view to affecting its political situation and preventing it from protecting its constitutional order. The preceding vote had already created a confrontational atmosphere that would persist during discussions about the reform of human-rights mechanisms.

60. *A recorded vote was taken.*

In favour:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Nicaragua, Norway, Palau, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

Against:

Afghanistan, Azerbaijan, Bahrain, Bangladesh, Belarus, Botswana, Brunei Darussalam, China, Cuba, Democratic People's Republic of Korea, Egypt, Gambia, India, Indonesia, Iran (Islamic Republic of), Jordan, Kazakhstan, Kuwait, Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Myanmar, Oman, Pakistan, Qatar, Russian Federation, Saudi Arabia, Sudan, Syrian Arab Republic, Tajikistan, Turkmenistan, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Bahamas, Barbados, Belize, Bhutan, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Colombia, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Eritrea, Ethiopia, Fiji, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Iraq, Jamaica, Kenya, Lao People's Democratic Republic, Lesotho, Mali, Mauritius, Mozambique, Namibia, Nauru, Nepal, Niger, Nigeria, Panama, Papua New Guinea, Philippines, Republic of Korea, Rwanda, Saint Lucia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Suriname, Swaziland, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Uganda, United Republic of Tanzania, Zambia.

61. *The draft resolution was adopted by 73 votes to 38, with 58 abstentions.*

The meeting rose at 12.25 p.m.

United Nations A/C.3/60/SR.47

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Summary record of the 47th meeting
Held at Headquarters, New York, on Wednesday, 23 November 2005, at 10 a.m.

Chairman: Mr. Butagira ..... (Uganda)

Contents

Agenda item 71: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

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05-61551 (E)

The meeting was called to order at 10.30 a.m.

Agenda item 71: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/60/L.31, L.36, L.43 and L.55)

Draft resolution A/C.3/60/L.31: Globalization and its impact on the full enjoyment of all human rights

1. **The Chairman** said that the draft resolution contained no programme budget implications.

2. **Mr. Elbadri** (Egypt), speaking on behalf of the sponsors, said that lengthy negotiations had led to a number of changes in the draft resolution. In the eleventh preambular paragraph, the word "*Reaffirming*" should replace "*Welcoming* the affirmation of". The fifteenth preambular paragraph should be replaced by the following: "*Emphasizing* the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and the need to protect human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy". After the seventeenth preambular paragraph, the following additional paragraph should be inserted: "The existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights; its immediate alleviation and eventual elimination must remain a high priority for the international community". After that new paragraph, the following additional preambular paragraph should be inserted: "*Strongly reiterating* the determination to ensure the timely and full realization of the development goals and objectives agreed at the major United Nations conferences and summits, including those agreed at the Millennium Summit that are described as the Millennium Development Goals, which have helped to galvanize efforts towards poverty eradication".

3. He said that, despite the efforts made to narrow the gaps between the different parties, a consensus had not been achieved on all its paragraphs. He hoped that the gaps would be narrowed further at the next session.

4. **Mr. Khane** (Secretary of the Committee) announced that Azerbaijan, Benin, Botswana, the Comoros, the Congo, Ethiopia, Lesotho, Mali, Sierra Leone, the United Republic of Tanzania and Zambia had joined the sponsors.

5. **Ms. García-Matos** (Bolivarian Republic of Venezuela), speaking in explanation of vote before the voting, said that she welcomed the explicit acknowledgement in the draft resolution that the fight against poverty took precedence over any concern about globalization. Venezuela could not co-sponsor the draft resolution, however, because it did not agree with the statements in the fourteenth preambular paragraph and in paragraph 5 that globalization offered opportunities. In addition, her country interpreted the reference in the eleventh preambular paragraph to the 2005 World Summit outcome document as an endorsement of the commitment of Governments to put globalization on a fairer basis; it was not a recognition of the Summit outcome, which had been agreed on by only some Heads of State and Government. Her delegation would vote in favour of the draft resolution as a first step towards combating the negative consequences of globalization.

6. *At the request of the delegation of the United States, a recorded vote was taken.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone,

Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Brazil, Chile, Iraq, Singapore.

7. *Draft resolution A/C.3/60/L.31, as orally revised, was adopted by 117 votes to 51, with 4 abstentions.*

8. **Mr. Woodroffe** (United Kingdom), speaking on behalf of the European Union, said that Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Liechtenstein, the Republic of Moldova, Romania, Serbia and Montenegro, the former Yugoslav Republic of Macedonia, Turkey and Ukraine aligned themselves with his statement. He regretted that the European Union had been unable to support the draft resolution. It acknowledged that globalization could have positive and negative implications for human rights, but was not convinced that it had an impact on all human rights. Its benefits were unequally shared; globalization did, however, offer a great opportunity for stimulating growth and prosperity in every country and could play a role worldwide in protecting and promoting human rights.

Draft resolution A/C.3/60/L.36: The right to development

9. **Mr. Khane** (Secretary of the Committee) said that, as the funds required for implementation of paragraph 27 of the draft resolution had already been appropriated, no further appropriation would be necessary.

10. **Mr. Palon** (Malaysia), speaking on behalf of the Non-Aligned Movement and China, which were sponsoring the draft resolution, said that, since the draft had been introduced, a number of changes had been made so as to ensure the widest possible support. In the first footnote, the words "and China" should be added at the end of the sentence. After the first preambular paragraph, the following two new paragraphs should be inserted: "*Recalling* the Universal Declaration of Human Rights as well as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights"; and "*Recalling also* the outcomes of all the major United Nations conferences and summits in the economic and social fields". After the former fourth preambular paragraph, the following paragraph should be added: "*Reaffirming* the universality, indivisibility, interrelatedness, interdependence and mutually reinforcing nature of all civil, cultural, economic, political and social rights, including the right to development"; in the former fifth and sixth preambular paragraphs, the word "*Welcoming*" should in both cases be replaced by "*Recalling*".

11. In paragraph 3, the word "next" should be replaced by "second"; "will examine" should be replaced by "examined"; and "suggest" should be replaced by "suggested".

12. Paragraph 5 should be replaced by the following: "*Notes with appreciation* that the Sub-Commission on the Promotion and Protection of Human Rights has decided at its fifty-seventh session to submit the concept document establishing options and their feasibility for the implementation of the right to development to the Commission on Human Rights at its sixty-second session and in this regard calls on the Commission to give due consideration to the options contained therein and requests the Secretary-General to report on progress in this regard to the General Assembly at its sixty-first session".

13. In paragraph 9, the word "basic" should be replaced by "primary".

14. Paragraph 10 should be replaced by the following: "*Reaffirms* the primary responsibility of States to create national and international conditions favourable to the realization of the right to development as well as their commitment to cooperate with each other to that end".

15. Paragraph 26 should be replaced by the following: "*Emphasizes* the urgent need for taking concrete and effective measures to prevent, combat and criminalize all forms of corruption at all levels, to prevent, detect and deter in a more effective manner international transfers of illicitly acquired assets and to strengthen international cooperation in asset recovery consistent with the principles of the United Nations Convention against Corruption, particularly chapter V, stresses the importance of a genuine political commitment on the part of all Governments through a firm legal framework, and in this context urges States to sign and ratify as soon as possible, and States parties to implement effectively, the United Nations Convention against Corruption".

16. **Ms. Ginsburg** (United States of America) requested a recorded vote on the draft resolution. Her country would vote against it because of its belief that the right to development meant that all individuals should be able to develop their intellectual and other capabilities to the fullest possible extent through the exercise of civil and political rights. The United States objected to the request that the Sub-Commission on the Promotion and Protection of Human Rights should prepare a concept document on a legally binding instrument on the right to development. The references in the draft resolution to the Millennium Development Goals and to the work of the high-level task force were not in line with the 2005 World Summit outcome document.

17. *A recorded vote was taken.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Marshall Islands, United States of America.

Abstaining:

Australia, Canada, Israel, Japan, Sweden.

18. *Draft resolution A/C.3/60/L.36, as orally revised, was adopted by 172 votes to 2, with 5 abstentions.*

19. **Ms. Hart** (Canada) said that her Government could not fully support the outcome document of the sixth session of the Working Group on the Right to

Development, owing to certain recommendations and conclusions relating to areas of international trade and development policy that were inconsistent with current discussions in other more appropriate forums. Canada had abstained from voting because it did not make a neutral reference to the conclusions and recommendations of the Working Group but would continue to engage in constructive dialogue with the sponsors with a view to reaching a consensus text in the future.

20. **Mr. Ozawa** (Japan) said that further discussion was needed to reach a consensus on the right to development. Each State was responsible for promoting and protecting the right to development of its own nationals while the international community was responsible for extending cooperation and encouraging ownership. Japan had contributed one fifth of all global official development assistance during the past 10 years and would continue its efforts on the basis of the ownership and partnership concept.

21. **Mr. Woodroffe** (United Kingdom), speaking on behalf of the European Union, said that Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Iceland, Liechtenstein, the Republic of Moldova, Romania, Serbia and Montenegro, the former Yugolsav Republic of Macedonia, Turkey and Ukraine aligned themselves with his statement. He said that the European Union remained firmly committed to the realization of the right to development. It wished to emphasize that it was the primary responsibility of States to create national conditions that were conducive to the fulfilment of the right to development and that those efforts needed to be supported by an enabling international economic environment.

22. The European Union had made a number of proposals to strengthen the text of the draft resolution, but felt that it still contained unnecessary or unbalanced paragraphs. For example, in its view, it was the mainstreaming of all human rights, without differentiation, which should be emphasized; also, the active participation of the individual in the process of development and of the realization of human rights should not be overlooked in resolutions on the right to development.

23. The European Union reiterated its appeal that future texts on the issue should be streamlined and should be more narrowly focused on, and more relevant to, both the Third Committee's human rights agenda and the substantive work on the right to development in Geneva.

Draft resolution A/C.3/60/L.43: Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization

24. **The Chairman** said that the draft resolution contained no programme-budget implications and that Benin, Bosnia and Herzegovina, Botswana, Brazil, Burundi, Cambodia, Cape Verde, the Central African Republic, Costa Rica, Ecuador, El Salvador, Fiji, Finland, Georgia, Guatemala, Iceland, India, Indonesia, Iraq, Jordan, Kenya, Lithuania, Mali, Malta, Micronesia (Federated States of), New Zealand, Nigeria, the Republic of Korea, Saint Vincent and the Grenadines, San Marino, Somalia, Swaziland, Thailand, Timor-Leste, Turkey and Ukraine had joined the list of sponsors.

25. **Ms. Zack** (United States of America), speaking on behalf of the sponsors, said that Andorra, Armenia, Australia, Azerbaijan, Bangladesh, Bulgaria, Finland, Liechtenstein, the Marshall Islands, Norway, Palau, Peru, Spain, Sri Lanka and Sweden had joined the list of sponsors. The following revisions had been incorporated into the fifth preambular paragraph. "*Noting* with interest" had been replaced by "*Taking note with interest*" and the phrase "and Commission on Human Rights resolution 2005/32 on democracy and rule of law," had been added to the end of the paragraph.

26. The draft resolution recognized the vital role played by the United Nations in electoral assistance and requested the Organization to continue providing such assistance on a case-by-case basis, in accordance with the evolving needs of requesting countries.

27. **Mr. Amorós Núñez** (Cuba) said that the fifth preambular paragraph of the draft resolution contained a reference to Commission on Human Rights resolutions which sought to promote a single model of democracy. Such resolutions opposed the 1993 Vienna Declaration and undermined the right of peoples to self-determination. Cuba's proposal that reference should be made to Commission on Human Rights resolutions which presented a broader and more balanced view of democracy had been refused. He therefore requested that a separate vote should be taken on that paragraph.

28. *A recorded vote was taken on the fifth preambular paragraph, as orally revised.*

In favour:

Afghanistan, Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burundi, Cambodia, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Latvia, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Somalia, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against:

None.

Abstaining:

Algeria, Angola, Bahrain, Belarus, Burkina Faso, Cameroon, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, Gambia, Ghana, Iran (Islamic Republic of), Kazakhstan, Libyan Arab Jamahiriya, Malaysia, Namibia, Nepal, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sudan, Syrian Arab Republic, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

29. *The fifth preambular paragraph was retained by 123 to 0, with 35 abstentions.*

30. **Mr. Khane** (Secretary of the Committee) said that, in accordance with rule 129 of the rules of procedure, a vote would be taken on the draft resolution as a whole.

31. **Mr. Elbadri** (Egypt) said that rule 130 should be applied because the motion to delete a paragraph had failed.

32. **Mr. Khane** (Secretary of the Committee) recalled that, whenever a delegation moved to divide a proposal, namely to vote on a particular paragraph or language in a proposal, rule 129 was applied. When a delegation moved to delete a paragraph, namely to make an amendment, it fell under rule 130. Since the representative of Cuba had requested a vote on the fifth preambular paragraph, rule 129 applied.

33. **Mr. Amorós Núñez** (Cuba) said that his delegation supported the Secretary's interpretation of the rules of procedure, but was also willing to accept the interpretation of the representative of Egypt.

34. *A recorded vote was taken on the draft resolution.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon,

Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

None.

Abstaining:

Democratic Republic of the Congo, Libyan Arab Jamahiriya, Myanmar.

35. *Draft resolution A/C.3/60/L.43 was adopted by 173 to 0, with 3 abstentions.**

Draft resolution A/C.3/60/L.55: Human rights and cultural diversity

36. **The Chairman** said that the draft resolution contained no programme-budget implications.

37. **Mr. Alaei** (Islamic Republic of Iran), speaking on behalf of the sponsors, said that the Bolivarian Republic of Venezuela had joined the sponsors of the draft resolution. The second preambular paragraph had been revised to include a reference to General Assembly resolution 58/167 of 22 December 2003. In paragraph 15, the phrase "to give full and equal attention" had been replaced by "to continue to bear in mind fully". He also announced the withdrawal of the preambular paragraph which had been added before paragraph 1, reading: "State members acknowledge the importance of fulfilling their obligations to promote universal respect for and observance and protection of all human rights and fundamental freedoms as well as the importance and respect and understanding for religious and cultural diversity."

38. **Mr. Khane** (Secretary of the Committee) announced that Cambodia, the Comoros, Guinea, Jordan, Mali, Qatar and Tunisia had joined the sponsors.

39. *Draft resolution A/C.3/60/L.55, as orally revised, was adopted.*

40. **Ms. Zack** (United States of America) said that her delegation had joined the consensus on the draft resolution on the understanding that the right to enjoy the benefits of scientific progress and its applications, referred to in paragraph 3, should be on mutually agreed terms. That right could be achieved only in conjunction with the right of everyone to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he or she was the author, as reflected in article 27 (2) of the Universal Declaration of Human Rights.

Agenda item 71 (c): Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/60/L.47)

Draft resolution A/C.3/60/L.47: Situation of human rights in the Sudan

41. **The Chairman** said that the draft resolution contained no programme-budget implications.

42. **Mr. Jones Parry** (United Kingdom), speaking on behalf of the original sponsors as well as Japan and the United States of America, welcomed the significant developments that had taken place in the Sudan in recent months, including the adoption of an interim constitution and the progress made towards the implementation of a comprehensive peace agreement. The cooperative spirit in which the Government of National Unity in the Sudan had welcomed the Special Rapporteur and the Special Adviser was also to be commended.

43. The European Union, including the United Kingdom, attached the greatest importance to

* The representative of the Democratic Republic of the Congo said that his delegation had intended to vote in favour of the draft resolution.

developments in the Sudan, and were doing their utmost to support the efforts of all the parties to make progress in that country. He paid tribute to the way in which all parties had addressed the issues and also to the leadership role provided by the African Union in addressing the situation on the ground.

44. Nevertheless, the European Union continued to have grave concerns about the persistent violation of human rights and humanitarian law in the Sudan, particularly in Darfur. Accordingly, the draft resolution called upon the Government of National Unity in the Sudan and the others parties to the conflict in Darfur to end all human rights violations and the prevailing culture of impunity, and to cooperate fully with the International Criminal Court.

45. It was crucial for the Committee, on behalf of the United Nations, to consider and, where appropriate, to pass comment on urgent human rights violations. In so doing, its aim must always be to encourage Governments to fulfil their obligations and to meet the universal standards for which the Organization stood. In the Sudan, despite the efforts of the African Union, civilians were still being killed, sexual violence was widespread and the situation of hundreds of thousands of displaced persons remained dire.

46. The no-action motion passed in the previous year on the situation of human rights in the Sudan had sent a negative signal about the work of the United Nations to the Government, rebels and victims of that country and to the rest of the world. While the European Union fully recognized the arguments against country-specific resolutions, it also maintained that it was necessary to take a stand when dire situations on the ground required action. First and foremost, the Committee needed to respect the human rights of the victims subjected to violence in the Sudan and should therefore support the draft resolution.

47. **The Chairman** said that Andorra, Iceland, the Republic of Moldova and Switzerland had joined the sponsors.

48. **Mr. Wigwe** (Nigeria), speaking on behalf of the Group of African States, requested that no further action should be taken on the draft resolution and that, under rule 116 of the rules of procedure, the debate on the issue should be adjourned. The African Group did not support initiatives that were likely to endanger peace agreements within the Sudan and the subsequent Abuja Protocols, the result of protracted negotiations. He pointed out that the African Union was seized of the developments towards peace and stability in the Sudan.

49. The new Government of National Unity established under the Comprehensive Peace Agreement had embarked on the implementation of the Agreement. The African Group urged the sponsors of the draft resolution to help the African Union and the people of the Sudan through constructive dialogue and genuine assistance to overcome the many challenges facing them as they moved towards stability and durable peace rather than to submit such divisive resolutions which did nothing to advance the peace process.

50. Such resolutions were capable of setting back current efforts to make the Human Rights Council operational, and raised doubts over the collective determination of the Organization to ensure that the Council would inherit only the best characteristics of the Commission on Human Rights. He called on other Member States to vote in favour of the no-action motion.

51. **Mr. Abdelaziz** (Egypt) said that his Government took a principled position of voting against country-specific draft resolutions on human rights situations regardless of substantive considerations, and supported a no-action motion. The draft resolution overly politicized the human rights situation in the Sudan and reflected selectivity and double standards. Furthermore, it would hamper the African Union's efforts to implement the Comprehensive Peace Agreement in cooperation with the Government of the Sudan, which had yielded positive results. The draft resolution also contradicted the recommendations of the Special Rapporteur on the situation of human rights in the Sudan, who had stressed the need for cooperation rather than confrontation. His delegation therefore encouraged all Member States to vote in favour of the no-motion action.

52. **Ms. Otiti** (Uganda) said that human rights issues should not be politicized. They should be addressed through constructive and non-confrontational dialogue predicated on fairness, objectivity, respect for sovereignty, non-selectivity and transparency. International cooperation was also crucial for sustainable results. Progress could be achieved through helping one another constructively rather than applying methods that did not help to make a difference on the

ground. The culture of generating documents that had no positive impact simply created friction which could otherwise be avoided. Furthermore, at a critical time when the General Assembly was engaged in negotiations to reform the United Nations, and its human rights machinery in particular, the introduction of country-specific resolutions would poison the atmosphere for negotiations. As a matter of principle, Uganda would therefore consistently vote in favour of motions to adjourn debate on country-specific resolutions. If such motions were not carried, it would abstain from voting on the substance of those resolutions.

53. **The Chairman** requested two representatives to speak in favour of, and two against, the motion, before putting it to the vote, in accordance with rule 116.

54. **Mr. Wood** (United Kingdom), speaking on a point of order, said that in accordance with rule 116, in addition to the delegation proposing adjournment of debate, two representatives might speak in favour of, and two against the motion, after which the motion would be immediately put to the vote. As two representatives — of Egypt and Uganda — had already spoken in favour of the motion, the Committee should now move to hear two representatives to speak against it.

55. **The Chairman** said that the Committee had not reached that stage. There was no harm in calling at present for two representatives to speak in favour of, and two against, the motion.

56. **Mr. Xie** Bohua (China) said that his delegation opposed the practice of selectivity and double standards on human rights issues through country-specific resolutions, which increased confrontation and led to greater division among Member States. All countries should promote and protect human rights on the basis of equality and mutual respect and through dialogue and cooperation. No country or group of countries was entitled to style itself as a human rights judge and make irresponsible criticisms about the human rights situations of others. Regrettably, some delegations continued to put forward country-specific human rights resolutions with which the majority of Member States did not agree and which were all directed against developing countries. Such resolutions were a political tool used to name and shame and exert political pressure on States. Such concerns must be addressed if reform of the United Nations human rights machinery were to succeed. His delegation therefore supported the motion.

57. **Ms. García-Matos** (Bolivarian Republic of Venezuela) said that her delegation wished to reiterate its rejection of the policy of censuring States in a selective manner for human rights violations. As it had stated in countless forums, such an approach did not contribute to the promotion and protection of human rights. Furthermore, as a member of the Non-Aligned Movement, her Government firmly opposed politicization, selectivity and double standards in human rights. It was regrettable that, at a time when efforts were being made to reform the United Nations human rights machinery, States continued to be targeted in such a way, which contravened the Charter, including its provisions on sovereignty. Her delegation therefore supported the motion to adjourn debate and called on all delegations to end the practice of using human rights as a political tool to pressure developing countries.

58. **Mr. Wood** (United Kingdom), speaking on behalf of the European Union, said that Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Iceland, Liechtenstein, the Republic of Moldova, Romania, Serbia and Montenegro, the former Yugoslav Republic of Macedonia and Ukraine aligned themselves with his statement. He said that the General Assembly must assume its responsibility to consider all human rights issues that came before it when there was ample evidence of widespread human rights abuses. There were few situations comparable to that in the Sudan where people had been denied their fundamental human rights on such a large scale.

59. Action to address the human rights situation there must not be limited to the Security Council and International Criminal Court. The General Assembly, the universal body of the Organization, should also have the opportunity to consider the situation in its relevant body, on the floor of the Third Committee. The European Union regretted that it did not have the same level of cooperation with the African Union concerning the situation in the Sudan that it had enjoyed in the Commission on Human Rights. It would welcome the same collaborative approach and dialogue within the Committee. His delegation failed to understand why the issue merited consideration by the Commission but not by the universal body of the United Nations.

60. While the draft resolution noted the positive developments in the Sudan, it could not but note the grave daily violations of human rights. Further action was needed to prevent more people from being killed, uprooted from their homes and terrorized and to bring rape and sexual violence to an end.

61. To stifle debate by voting in favour of a no-action motion would be to deny the responsibility of the international community to address human rights violations and to show a disregard for the human rights of the people of the Sudan. Where a culture of impunity prevailed with respect to human rights abuses, it was the responsibility of Member States to take note and take action. His delegation therefore called on members to vote against the motion and to discuss the substance of the important issue at hand regardless of their intention to vote on the draft resolution itself.

62. **Ms. Banks** (New Zealand), speaking also on behalf of Australia and Canada, said that her delegation opposed the motion. The General Assembly must speak out against massive violations of human rights, including in the Sudan. The United Nations had passed an impressive body of international human rights law which embodied the most fundamental standards of humanity. That body of law had no enforcement mechanism, however, other than political pressure. When breached, it contained no means of exerting such pressure other than shame and embarrassment.

63. If the international community could not sponsor resolutions in the General Assembly condemning human rights abuses, there would be no other penalties against Governments which terrorized their populations. Safe in the knowledge that no international spotlight would be cast on them, such Governments would feel no need to hold back when violating human rights and no need to prevent the abuses by those who singled out other races or religions for attack. The international community would be acting in complicity if it sat in silence despite the knowledge that massive violations of human rights were occurring.

64. Her delegation would prefer constructive dialogue. Such dialogue, however, worked for Governments that were genuinely trying to improve the situation of human rights in their countries. It did not work on regimes that were brutalizing their own citizens or allowing others to do so for them.

65. Delegations opposing country-specific resolutions had focused on the issue of human rights from the point of view of Governments and failed to look at it from the point of view of the victims of abuse. She wondered whether women who had been gang-raped as part of systematic attacks would prefer that the Committee remained silent so as not to embarrass their Government.

66. The draft resolution raised very serious questions which the Committee must address. Her delegation would be voting against the no-action motion and hoped all others would do the same.

67. *A recorded vote was taken on the motion to adjourn debate on draft resolution A/C.3/60/L.47.*

In favour:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Central African Republic, China, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ethiopia, Gambia, Ghana, Guinea, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sudan, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia,

Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

Abstaining:

Belize, Brazil, Cape Verde, Colombia, Guyana, Iraq, Kyrgyzstan, Mauritius, Papua New Guinea, Sri Lanka, Suriname, Trinidad and Tobago.

68. *The motion to adjourn debate on draft resolution A/C.3/60/L.47 was adopted by 84 votes to 79, with 12 abstentions.*

The meeting rose at 12.30 p.m.

United Nations A/C.3/60/SR.48

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Sixtieth session

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Third Committee

Summary record of the 48th meeting
Held at Headquarters, New York, on Wednesday, 23 November 2005, at 3 p.m.

Chairman:	Mr. Butagira	(Uganda)
later:	Ms. Tomič (Vice-Chairman)	(Slovenia)
later:	Mr. Butagira (Chairman)	(Uganda)

Contents

Agenda item 69: Elimination of racism and racial discrimination (*continued*)

Agenda item 71: Human rights questions (*continued*)

(a) Implementation of human rights instruments (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)*

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)*

(e) Report of the United Nations High Commissioner for Human Rights (*continued*)*

Agenda item 116: Revitalization of the work of the General Assembly

Completion of the Committee's work for the main part of the sixtieth session

* Items which the Committee has decided to consider together.

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05-61557 (E)

The meeting was called to order at 3.15 p.m.

Agenda item 69: Elimination of racism and racial discrimination (*continued*) (A/C.3/60/L.63/Rev.1 and A/60/307, Corr.1 and Corr.2)

Draft resolution A/C.3/60/L.63/Rev.1: Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

1. **Ms. Bowen** (Jamaica), speaking on behalf of the Group of 77 and China, read out the following additional revisions to the revised draft resolution: the twelfth preambular paragraph should be deleted; in paragraph 3, the word "*also*" should be inserted after the word "*Expresses*"; in paragraph 13, the words "deadline for" should be replaced by the words "goal of"; in paragraph 14, the words "backlog caused by overdue reports submitted" should be replaced by the words "delays in the submission of overdue reports"; in the third line of paragraph 16, the word "convention" should be replaced by the words "existing international human rights instruments, notably the International Convention on the Elimination of All Forms of Racial Discrimination"; a new paragraph 17 should be inserted reading "*Recognizes* the contribution to be made to the above process by conducting an in-depth assessment and evaluation of the implementation of existing international human rights instruments by States parties"; in paragraph 31, the words "as requested by the General Assembly in its resolution 59/177" should be replaced by the words "and takes note of their appeal for convening a five-year review of implementation of the Durban Declaration and Programme of Action and in this context urges Member States and relevant stakeholders to give due consideration to this appeal with a view to its examination at the sixty-first session"; paragraph 32 should be deleted; in paragraph 39, the word "*invites*" should now appear after "in this context"; paragraph 42 should be deleted; in paragraph 43, the words "and other communities" should be inserted at the end of the paragraph; paragraph 48 should read "*Requests* the Special Rapporteur to continue giving particular attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights by national or ethnic, religious and linguistic minorities, immigrant populations, asylum-seekers and refugees"; in paragraph 49, the words "very firmly" should be replaced by "strongly"; paragraph 50 should be deleted; and in paragraph 51, the word "*Also*" should be deleted.

2. **Mr. Khane** (Secretary of the Committee) said that the revised draft resolution, as orally revised by the main sponsor, would not entail any additional appropriation, as the activities called for in paragraph 46 were considered to be of a perennial nature. Provisions for such activities had already been included in the programme budget for the biennium 2004-2005 (Section 24, Human rights) and in the proposed programme budget for the biennium 2006-2007 (Section 23, Human rights). He also announced that the Russian Federation wished to join in sponsoring the revised draft.

3. **Mr. Montwedi** (South Africa), speaking on behalf of the Southern African Development Community (SADC), said that, as a region historically affected by the worst forms of racial discrimination, the SADC countries were determined to achieve the ideals of non-racialism, non-sexism, human dignity and equality in their regional and international efforts. In the struggle to achieve those ideals, they worked in close partnership with civil society and other relevant stakeholders. He strongly urged civil society organizations from outside the region to work in close partnership with all actors in the region to ensure that their criticism was factual. In that regard, the SADC countries were pleased that a corrigendum had been issued to correct the inconsistency in reporting reflected in paragraph 67 of the Secretary-General's report on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/60/307). Lastly, the SADC countries hoped that the Committee would take a decision at the sixty-first session on the five-year review of implementation of the Durban Declaration and Programme of Action.

4. **Ms. García-Matos** (Bolivarian Republic of Venezuela) said that future resolutions should reflect the needs of indigenous people, as they were also victims of contemporary forms of racism, and the elimination of racial and violent movements based on racism and discriminatory ideas directed against

communities of people of African descent, Asian and Arab descent, as had been done in paragraph 42 of the draft resolution, which had been deleted.

5. **The Chairman** announced that a recorded vote had been requested.

6. **Ms. Shestack** (United States of America), speaking in explanation of vote before the voting, said that the United States was opposed to racism, racial discrimination, xenophobia and related intolerance, as demonstrated by its record of domestic legislation and policies to vigorously combat such activities and attitudes. It had also long been a party to the International Convention on the Elimination of All Forms of Racial Discrimination. However, the World Conference held in Durban in 2001 had been deeply flawed and divisive. The draft resolution endorsed the outcome of that Conference and was therefore itself irreparably flawed. For that reason, her delegation would vote against it.

7. **Ms. Eilon Shahar** (Israel), speaking in explanation of vote before the voting, said that Israel believed deeply in the fight against racism and intolerance. The Jewish people had a long history of confronting prejudice, a struggle which was grounded in the Jewish scripture and was the touchstone of Israel's democracy. However, some delegations and NGOs had used the Durban Conference to single out one country with slanderous and hateful accusations and Israel had therefore been compelled to withdraw from the Conference. Instead of promoting tolerance and respect, those actors had abused the Conference and denigrated its noble objectives. Her delegation would therefore vote against the draft resolution.

8. **Mr. Dixon** (United Kingdom), speaking in explanation of vote before the voting and on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Serbia and Montenegro and the former Yugoslav Republic of Macedonia; and, in addition, Liechtenstein, the Republic of Moldova and Ukraine, said that the European Union had repeatedly stressed that international follow-up to the Durban Conference should be agreed by consensus. In that spirit, it had proposed a number of changes during consultations with a view to improving the text. While many of those changes had been incorporated, the European Union still had some concerns about the text.

9. On the issue of complementary standards, he recalled that paragraph 3 of the report entitled Views of the Committee on the Elimination of Racial Discrimination on the implementation of the Convention on the Elimination of All Forms of Racial Discrimination and its effectiveness (E/CN.4/2004/WG.21/10) stated that it was States' failure to ratify or to implement the Convention, rather than gaps in the Convention itself, which the Committee had identified as the key issue in combating contemporary forms of racism. That conclusion was fully in line with the acknowledgement contained in the Durban Declaration that States must fully implement their existing obligations. The European Union believed that States' failure to implement their obligations should guide discussions about new complementary standards and called on all States to ratify and implement the Convention as a matter of priority.

10. The European Union also questioned the value of a five-year review plan. Follow-up to the Conference was already ensured by a number of mechanisms, in particular the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action. Should additional follow-up be considered necessary, the Durban Conference should be part of the integrated follow-up to United Nations conferences. His delegation would nonetheless reflect further on the proposal.

11. In recognition of the efforts by all parties towards better cooperation on such a major issue — and despite its concerns — the European Union would vote in favour of the draft resolution.

12. *A recorded vote was taken on draft resolution A/C.3/60/L.63/Rev.1, as orally revised.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic,

Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, United States of America.

Abstaining:

Australia, Canada.

13. *Draft resolution A/C.3/60/L.63/Rev.1, as orally revised, was adopted by 172 votes to 3, with 2 abstentions.*

14. **Ms. Bowen** (Jamaica), speaking on behalf of the Group of 77 and China, said that the overwhelming support for the draft resolution was an important demonstration of international condemnation of racism, racial discrimination, xenophobia and related intolerance. It was deeply regrettable that, once again, a recorded vote had been requested. The substance of the Durban Declaration and Programme of Action was not under question. Her delegation hoped that those delegations that had not been able to vote in favour of the draft resolution would reflect further and consider reviewing their position.

15. **Ms. Baleseng** (Botswana) welcomed the consensus on the draft resolution and the corrigendum deleting paragraph 67 of the Secretary-General's report (A/60/307). In view of that development, her delegation was pleased to withdraw its amendment to the draft resolution. In that regard, she invited delegations to consult document A/C.3/60/12, which contained a comprehensive response by the Government of Botswana to the contents of paragraph 67.

16. **The Chairman** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/60/307, Corr.1 and Corr.2).

17. *It was so decided.*

Agenda item 71: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/60/L.44/Rev.1; A/C.3/60/L.57/ Rev.1 and A/C.3/60/L.73)

Draft resolution A/C.3/60/L.44/Rev.1: Human rights mainstreaming in the United Nations system

18. **The Chairman** said that the draft resolution had no programme budget implications.

19. **Mr. Verbeke** (Belgium), speaking on behalf of Belgium and the Netherlands as the main sponsors, drew attention to the draft resolution and to the amendments proposed by South Africa in document A/C.3/60/L.73. Recalling the draft resolution's three

main objectives, set out at the Committee's 39th meeting, he said that three weeks of negotiation had produced progress towards some of those objectives, but that consensus had been impossible to achieve because of a last-minute request for an amendment. With much regret, the delegations of Belgium and the Netherlands had decided to withdraw the draft resolution.

20. *Draft resolution A/C.3/60/L.44/Rev.1 was withdrawn.*

21. **Mr. Montwedi** (South Africa), thanking the delegations of Belgium and the Netherlands for their efforts to take account of his own delegation's concerns, as reflected in document A/C.3/60/L.73, and regretting that one delegation had not joined the consensus, said that the draft resolution had had the full support of the Government of South Africa.

Draft resolution A/C.3/60/L.57/Rev.1: Protection of migrants

22. **Mr. Khane** (Secretary of the Committee) said that the mandate of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants, referred to in paragraph 30, was in the category of activities of a perennial nature, for which provision had been included in the programme budget for the biennium 2004-2005 and in the proposed programme budget for the biennium 2006-2007.

23. In order to reflect the provisions of paragraph 31, the narrative of the proposed programme budget for the biennium 2006-2007 (A/60/6), section 23, subprogramme 2, paragraph 23.54 (x) would be modified to read: "a. Substantive servicing of meetings: plenary meetings (50)".

24. For the biennium 2004-2005, the General Assembly had appropriated the amount of $64,571,300 under section 24 (Human rights). For the biennium 2006-2007, the Secretary-General had proposed a programme budget totalling $67,493,200 and revised estimates resulting from the 2005 World Summit totalling $24,223,799, or a total of $91,716,999 under section 23 (Human rights).

25. Paragraph 31 requested that two one-week sessions of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families should be held, within existing resources, at the United Nations Office in Geneva in spring and autumn 2006, replacing for that year only the three-week session included in the budget estimates prepared before the Committee had been established. The full cost of the activities envisaged under paragraph 31 was $1,205,100 in the biennium 2006-2007. The total cost of the three-week session in 2006 as currently approved by the General Assembly was $1,523,500. The cost of the additional travel of Committee members amounted to $11,000 and should be accommodated within overall resources included in the proposed programme budget for the biennium 2006-2007 under section 23 (Human rights).

26. Paragraphs 30 and 31 of the draft resolution would not, therefore, entail any additional appropriations.

27. **Mr. Gómez Robledo** (Mexico), speaking on behalf of the sponsors of the draft resolution, said that Armenia, Bangladesh, Belize, Cape Verde, Costa Rica, Morocco, Mauritius, Turkey and Timor-Leste had joined the group of sponsors.

28. A much improved text had been produced after a lengthy process of consultation and negotiation and input from numerous delegations.

29. Amendments to paragraph 20 were: the word "*Also*" should be deleted; the words "promote and adopt effective measures to enforce their immigration laws and border controls only by means of" should be replaced by the word "employ"; the words "to enforce their immigration laws and border controls," should be inserted after "trained government officials"; the words "take appropriate and effective measures to deter and" should be inserted before the word "prevent"; the words "carrying out conduct" should be replaced by the words "violating criminal and immigration laws relating to border enforcement and from wrongfully undertaking actions"; the words "for such" should be replaced by the word "to"; the words "as well as to prosecute and punish" should be replaced by the words "including by prosecuting"; and the final word "conduct" should be replaced by the word "actions".

30. Protecting the rights of migrants was important to the entire international community, given the universality of human rights, irrespective of the origin or status of the individual. He hoped the draft resolution would be adopted without a vote, in accordance with tradition.

31. **Mr. Khane** (Secretary of the Committee) said that the Central African Republic, Côte d'Ivoire, Niger, Saint Lucia, Saint Vincent and the Grenadines, and the Sudan had become additional sponsors of the resolution.

32. **Mr. Ceinos-Cox** (United States of America) said that migrants had made a major contribution to his country's development, and his delegation would join the consensus with pride. Individuals benefited from legal migration, but so did both sending and receiving States, which therefore both bore responsibility for ensuring the protection of human rights and encouraging use of legal channels for migration.

33. Securing his country's borders by enforcing its immigration laws through all lawful and appropriate approaches was important. The provisions concerning border control in paragraph 20 would not compromise enactment of national legislation, which was essential to sovereignty. His country would continue to apply national legislation and constitutional laws to regulate unlawful conduct by private individuals and groups.

34. It was disappointing that his Government's request to delete the seventh and eighth preambular paragraphs, which contributed nothing to the draft resolution, had not been accommodated. The conclusions of the International Court of Justice in the Avena Judgement differed substantially from the advisory opinion issued by the Inter-American Court of Human Rights, and it was inappropriate to refer to them. As regards paragraph 9, the obligations of States parties to the Vienna Convention on Consular Relations with regard to foreign nationals related to treaty rights, and not to human rights.

35. *Draft resolution A/C.3/60/L.57/Rev.1 was adopted without a vote.*

36. **Mr. Wood** (United Kingdom), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate country Croatia; the stabilization and association process countries Albania, Bosnia and Herzegovina, Serbia and Montenegro and the former Yugoslav Republic of Macedonia; and, in addition, Iceland, Liechtenstein, the Republic of Moldova and Ukraine explained the basis on which those countries had been able to join the consensus on the revised draft resolution.

37. The European Union was firmly committed to protecting the rights of migrants and supported efforts to enhance such protection, condemning manifestations and acts of intolerance against migrants and supporting the application of existing laws to eradicate impunity for xenophobic and racist acts. The best way to ensure sustainable integration of immigrant communities in a host society was to provide for a harmonious equilibrium between the rights and obligations granted to third-country nationals. The draft resolution contained useful new elements pertaining to international migration policies and programmes and potentially life-saving information campaigns.

38. **Ms. García Matos** (Bolivarian Republic of Venezuela) said that her Government's commitment to the protection of migrants was reflected in substantive changes in legislation and policy development, and her delegation supported the content of the draft resolution. However, it did not recognize the Outcome of the 2005 World Summit and interpreted the sixth preambular paragraph as referring merely to the general commitments which must guide the actions of Governments, since the debate in September had taken place between only some Heads of State and Government.

39. **Mr. Chia** Chng Tze (Singapore), commenting on paragraph 4, said that his Government fully acknowledged the positive contributions made by migrants and its own responsibilities for their welfare, and extended to all legal migrants the same protection as to its citizens. However, those who did not enter Singapore through legal channels were illegal immigrants, and were dealt with as such under national laws.

40. The immigration policies of each country necessarily depended on its particular circumstances. Singapore was a small, densely populated country which must maintain a careful balance among the needs and interests of its heterogeneous population. His Government considered that immigration policies were within the sovereign jurisdiction of each State, and that it was inappropriate for General Assembly resolutions to call for States to review their immigration policies.

41. His delegation had acquiesced in the adoption of the draft resolution by consensus, but reserved the right to reconsider its position in the future on it end any other resolution that might impinge on the rights of States to decide their own immigration policies.

42. *Ms. Tomič (Slovenia), Vice-Chairman, took the Chair.*

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/60/L.41/Rev.1)

Draft resolution A/C.3/60/L.41/Rev.1: Situation of human rights in the Democratic Republic of the Congo) (continued)

43. **The Chairman** said that the draft resolution had no programme budget implications.

44. **Mr. Thomson** (United Kingdom) speaking on behalf of the European Union and all the sponsors of the draft resolution, which had been joined by Bulgaria, Canada, Japan, Monaco and the Republic of Moldova, said that the text incorporated numerous amendments and reflected compromises by both sides. He commended the willingness of all parties to cooperate, and in particular the admirable willingness of the Democratic Republic of the Congo to set itself clear goals concerning the improvement of human rights. The resolution had the agreement and support of that country.

45. Despite the measures taken by the Transitional Government to achieve stability and peace, and the progress achieved in the political process, the ongoing human rights situation aroused grave concern, in particular abuses of human rights and international humanitarian law. Armed violence and reprisals against civilians and sexual violence against women and children, including as a weapon of war, deserved condemnation by the United Nations.

46. The draft resolution called on the transitional Government, armed groups and in particular those in the eastern part of the country, governments in the region and the international community to urgently assist the Government to promote and protect the human rights of its citizens more effectively, end impunity for past crimes, and secure the transition to a sustainable democratic future.

47. In the current year, all parties to the discussions had wished to reach a consensus on the resolution, and he was hopeful that the relatively minor issues outstanding would be resolved before the vote.

48. **The Chairman** announced that Andorra and Iceland had joined the group of sponsors.

49. **Ms. Otiti** (Uganda), speaking in explanation of vote before the voting, regretted that the draft resolution did not recognize ongoing bilateral and regional initiatives aimed at assisting the Democratic Republic of the Congo. Member States in the region were fully supporting the transition process through the Tripartite Plus One Commission, adhering fully to the Principles on Good-Neighbourly Relations and Cooperation, and collaborating constructively and engaging in high-level diplomacy. Movements of personnel, including the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) into the Democratic Republic of the Congo from Uganda had been facilitated, and the President of Uganda had advised on the need for air/radar surveillance systems to cover the entire eastern part of the Democratic Republic of the Congo.

50. The Tripartite Plus One Commission had met at the ministerial level in Uganda in October. The meeting had expressed concern at the refusal of the armed groups operating in the eastern part of the Democratic Republic of the Congo to disarm voluntarily, and called on the United Nations to identify all those groups by name and to use all necessary means to disarm all such groups and militias. It had urged the donor community to double support for security mechanisms in that country. Those issues were not addressed in the draft resolution.

51. The fourth preambular paragraph subscribed to resolutions of the General Assembly and the Commission on Human Rights which were based on flawed and unacceptable reports, while the obligations referred to in paragraph 9 (c) fell squarely on the Democratic Republic of the Congo and MONUC.

52. After lengthy negotiations, her delegation was therefore regretfully requesting separate recorded votes on the fourth preambular paragraph and paragraph 9 (c), would vote against them, and would vote against the draft resolution as a whole.

53. **Mr. Mukongo Ngay** (Democratic Republic of the Congo) said that the fourth preambular paragraph and paragraph 9 (c) were the linchpins of the entire draft resolution. The fourth preambular paragraph recalled previous resolutions of the Human Rights Commission and the General Assembly on the human rights situation in his country. Paragraph 9 (c) referred to the exertion of political pressure on concerned States and in his view was a reference in particular to Uganda,

which had fomented trouble in the Great Lakes region, was continuing to commit serious human rights violations in his country and was still supporting armed groups active there. While the Tripartite Plus One Commission was a significant diplomatic initiative, it should not be used by Uganda as a means of shrugging off its responsibilities in the areas referred to in the paragraphs concerned.

54. His delegation would vote to retain both paragraphs, as should all who valued peace and human rights.

55. *A recorded vote was taken on the fourth preambular paragraph.*

In favour:

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Cameroon, Canada, Central African Republic, Chile, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Zambia.

Against:

Guinea-Bissau, Rwanda, Uganda.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Brazil, Brunei Darussalam, Burundi, Cape Verde, China, Colombia, Democratic People's Republic of Korea, Djibouti, Egypt, Eritrea, Ethiopia, Gambia, Ghana, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Kenya, Kuwait, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mali, Mauritius, Mongolia, Nepal, Niger, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, Yemen, Zimbabwe.

56. *The fourth preambular paragraph of draft resolution A/C.3/60/L.41/Rev.1 was adopted by 92 votes to 3, with 62 abstentions.*

57. *A recorded vote was taken on paragraph 9 (c).*

In favour:

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Botswana, Bulgaria, Cameroon, Canada, Central African Republic, Chile, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Zambia.

Against:

Guinea-Bissau, Rwanda, Uganda.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cape Verde, China, Colombia, Democratic People's Republic of Korea, Djibouti, Egypt, Eritrea, Ethiopia, Gambia, Ghana, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Kenya, Kuwait, Libyan Arab Jamahiriya, Malaysia, Mali, Mauritius, Mongolia, Nepal, Niger, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, Yemen, Zimbabwe.

58. *Paragraph 9 (c) of draft resolution A/C.3/60/L.41/Rev.1 was adopted by 92 votes to 3, with 62 abstentions.*

59. **Mr. Nyamulinda** (Rwanda), regretting the absence of consensus on the draft resolution, said that his delegation, having voted against the retention of the fourth preambular paragraph and paragraph 9 (c), would also be voting against the draft resolution as a whole. It was inappropriate for the fourth preambular paragraph to refer to previous resolutions of the General Assembly, Security Council and Commission on Human Rights adopted in an environment of political motivation and conflict and based on unsatisfactory reports, instead of reflecting the changed conditions in the region. It was also inappropriate for paragraph 9 (c) to refer to countries other than the Democratic Republic of the Congo, as the human rights situation was the responsibility of that country alone, being a matter of national sovereignty.

60. Despite those objections, his delegation continued to support regional initiatives to promote peace and respect for human rights in the Great Lakes region. It appreciated the efforts of the European Union to achieve a consensus on the draft resolution, but hoped that future resolutions on the same subject would take a new direction.

61. **Mr. Mukongo Ngay** (Democratic Republic of the Congo) said that his delegation, despite disagreeing with some aspects of the draft resolution, had been anxious to preserve a consensus, unlike Rwanda and Uganda, which were habitual troublemakers in the Great Lakes region.

62. The human rights situation in his country had improved in the three years since the end of the devastating war, despite the continuing threat of chaos, violence and insecurity, especially in the east of the country, where armed groups preyed on defenceless civilians and routinely kidnapped, raped and sexually exploited women and girls, causing them immense physical and psychological harm and exposing them to HIV and to rejection by their friends and family.

63. As in every post-conflict situation, the rule of law must be restored in order to break the cycle of violence, end impunity, tackle the root cause of unrest and lay the foundations of genuine democracy. Recognizing that need, the Security Council, in its resolution 1468 (2003), had emphasized that the transitional Government must restore law and order and respect for human rights, as well as ending impunity, with the assistance of MONUC. His Government realized that justice could not only put an end to violence, it could acknowledge and repair the harm done to victims of past acts and prevent such acts from being repeated in the future. The Government had prosecuted delinquent army officers and Ituri warlords who had sought support in neighbouring countries. It hoped that the ongoing negotiations of the Tripartite Plus One Commission, which included representatives of Burundi, the Democratic Republic of the Congo, Rwanda and Uganda, would increase the pressure on the Forces démocratiques pour la libération du Rwanda (FDLR) in particular to disarm and repatriate its fighters.

64. With the progress made in efforts to reunify, bring peace to and restore the territorial integrity of the country, and to re-establish the authority of the State, his country was closer than it had ever been to pluralist and transparent elections which could bring an end to the crisis of legitimacy and to the long process of transition. Voter registration and preparations for a referendum on a post-transition constitution were proceeding. *Brassage* had been stepped up with a view to establishing national military and police forces, law-enforcement personnel had been made aware of the need to respect human rights, and efforts to protect the rights of the child had continued by focusing on halting the recruitment of, and disarming and reintegrating, child soldiers.

65. Unfortunately, the draft resolution simply echoed whole paragraphs of previous resolutions of the General Assembly and Commission on Human Rights, rather than recognizing that the situation on the ground had evolved and that restoring the rule of law in a post-conflict situation demanded a new approach. It failed to take account of the recommendations of the Independent Expert on the situation of human rights in the Democratic Republic of the Congo, particularly that of establishing a special international tribunal. His Government supported that idea: impunity would continue unless the perpetrators of crimes committed before 1 July 2002 were brought to justice, and there must be no double standard by which one group of criminals was tried while another escaped justice.

66. By definition, war denied people their human rights. Consequently, the withdrawal of occupying forces from Congolese territory had substantially reduced violations of human rights and international humanitarian law. With preparations for elections far advanced, his delegation would have expected the draft resolution to have condemned certain neighbouring countries' repeated incursions and threats of intervention, as their aim was to disrupt the polls and plunder what was left of his country's natural and other wealth. It had not done so, and even paragraph 9 (c), which encouraged international political pressure to interrupt the funding of neighbouring countries' human rights violations in the Democratic Republic of the Congo, had been under threat.

67. His delegation would vote in favour of the draft resolution. Though its letter was weak, its spirit — which was to bolster the rule of law and independent justice in his country — remained intact. His Government was determined to put in place a fair, trustworthy, moral and effective system of justice which adhered to the principles of the Charter of the United Nations and to international law, but it could not do so alone and therefore welcomed international assistance. It called on donors to turn their emergency aid programmes in the eastern part of the country into programmes of assistance to support reform of the judicial system, since — as the Secretary-General of the United Nations had pointed out — solid structures to defend human rights on the ground must be in place if impunity was to end and reconciliation and lasting peace were to be possible.

68. *A recorded vote was taken on draft resolution A/C.3/60/L.41/Rev.1 as a whole.*

In favour:

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Canada, Central African Republic, Chile, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Guinea-Bissau, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kyrgyzstan, Latvia, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Namibia, Nauru, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Zambia, Zimbabwe.

Against:

Rwanda, Uganda.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Brazil, Brunei Darussalam, Burundi, Cameroon, Cape Verde, China, Colombia, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Eritrea, Ethiopia, Gambia, Ghana, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Mali, Mauritius, Mozambique, Myanmar, Nepal, Nigeria, Oman, Pakistan, Papua New Guinea, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Suriname, Syrian Arab Republic, Tajikistan,

Thailand, Togo, Tunisia, United Arab Emirates, Uzbekistan, Venezuela, Yemen.

69. *Draft resolution A/C.3/60/L.41/Rev.1 was adopted by 96 votes to 2, with 66 abstentions.*

70. **Ms. Ginsburg** (United States of America), while commending the sponsors of the resolution just adopted, said that her delegation still had several concerns. It wished to make clear its understanding that paragraph 5 (c) sought to condemn only the recruitment and use of child soldiers, which was against international law. In view of its well-known misgivings regarding the International Criminal Court, and referring to paragraph 7 (e), it hoped that as much respect would be accorded to the right of countries not to become parties to the Rome Statute as to the right of countries to do so.

71. *Mr. Butagira (Uganda) resumed the Chair.*

72. **The Chairman** moved that the Committee take note of the following reports, in accordance with General Assembly decision 55/488:

On agenda item 71 (a):

Report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (second session) (A/60/48);

Report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/60/215);

Report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/60/220);

Report of the Secretary-General on the status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (A/60/273);

Note by the Secretary-General transmitting the report of the chairpersons of the human rights treaty bodies on their seventeenth meeting: effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (A/60/278);

Report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights (A/60/284);

Report of the Secretary-General on human rights and mass exoduses (A/60/325);

Report of the United Nations High Commissioner for Human Rights on equitable geographical distribution in the membership of the human rights treaty bodies: analysis of the membership of the human rights treaty bodies since 1970 (A/60/351 and Corr.1);

Report of the Human Rights Committee (A/60/40, volumes I and II);

On agenda item 71 (b):

Report of the Secretary-General on strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity (A/60/134);

Report of the Secretary-General on the right to development (A/60/286);

Report of the Secretary-General on human rights and unilateral coercive measures (A/60/305*);

Report of the Secretary-General on human rights and terrorism (A/60/326);

Note by the Secretary-General on human rights defenders (A/60/339 and Corr.1);

Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/60/348);

Note by the Secretary-General transmitting the report of the independent expert of the Commission on Human Rights on the effect of economic reform policies and foreign debt on the full enjoyment of human rights (A/60/384);

Note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Commission on Human Rights on freedom of religion or belief (A/60/399);

On agenda item 71 (c):

Note by the Secretary-General on the situation of human rights in Myanmar (A/60/221);

Note by the Secretary-General on Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem (A/60/271);

Report of the High Commissioner for Human Rights on the issue of Palestinian pregnant women giving birth at Israeli checkpoints (A/60/324);

Note by the Secretary-General on the report of the United Nations High Commissioner for Human Rights on assistance to Sierra Leone in the field of human rights (A/60/349);

Note by the Secretary-General on the situation of human rights in Burundi (A/60/354);

Note by the Secretary-General on the situation of human rights in the Sudan (A/60/356);

Note by the Secretary-General transmitting the report of the United Nations High Commissioner for Human Rights on the human rights situation and the activities of her Office, including technical cooperation, in Nepal (A/60/359);

Note by the Secretary-General on the protection of human rights and fundamental freedoms while countering terrorism (A/60/370);

On agenda item 71 (e):

Report of the United Nations High Commissioner for Human Rights (A/60/36);

Note by the Secretary-General transmitting the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Afghanistan and on the achievements of technical assistance in the field of human rights (A/60/343).

73. *There being no objection, it was so decided.*

Agenda item 116: Revitalization of the work of the General Assembly

Programme of work of the Third Committee for the sixty-first session of the General Assembly (A/C.3/60/L.72)

74. **The Chairman** invited the Committee to consider its draft programme of work for the sixty-first session of the General Assembly, and drew attention to document A/C.3/60/72. If there were no objections, he would take it that the Committee wished to adopt the draft programme of work and bring it to the attention of the General Assembly for consideration in plenary session.

75. *It was so decided.*

76. **The Chairman** said that he wished to suggest, on behalf of the Bureau of the Committee, the following draft decision:

> "In order to rationalize further its methods of work, the Third Committee will endeavour to elect the Rapporteur of its subsequent session on the basis of his/her experience, of his/her personal competence, and on the basis of a rotation among the regional groups as follows: African States, Asian States, Eastern European States, Latin American and Caribbean States and Western European and other States.
>
> "The Committee further decides to endeavour to elect a candidate nominated by the Western European and other States Group to serve as a Rapporteur of the Third Committee at the sixty-first regular session of the General Assembly".

77. He took it that the Committee wished to adopt that draft decision.

78. *It was so decided.*

Completion of the Committee's work for the main part of the sixtieth session

79. After an exchange of courtesies, in which **Mr. Wigwe** (Nigeria) spoke on behalf of the Group of African States, **Ms. Bowen** (Jamaica) on behalf of the Group of 77 and China, **Ms. Bethel** (Bahamas) on behalf of the Group of Latin American and Caribbean States, **Mr. Komar** (Indonesia) on behalf of the Group of Asian States, **Mr. Madej** (Poland) on behalf of the Group of Eastern European States and **Mr. Van Kemseke** (Belgium) on behalf of the Group of Western European and other States, and in which **Mr. Cumberbatch Miguén** (Cuba), **Mr. Thomson** (United Kingdom), **Mr. El Badri** (Egypt) and **Mr. Begg** (New Zealand) also took part, **the Chairman** declared that the Third Committee had completed its work for the main part of the sixtieth session.

The meeting rose at 6 p.m.